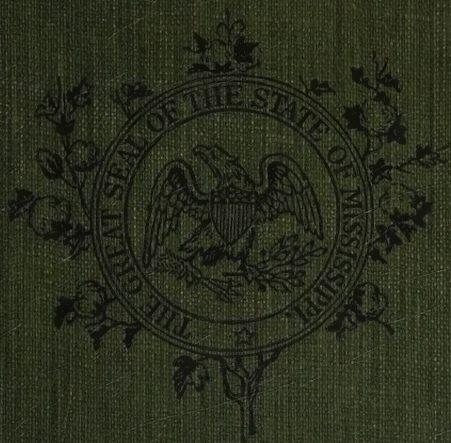


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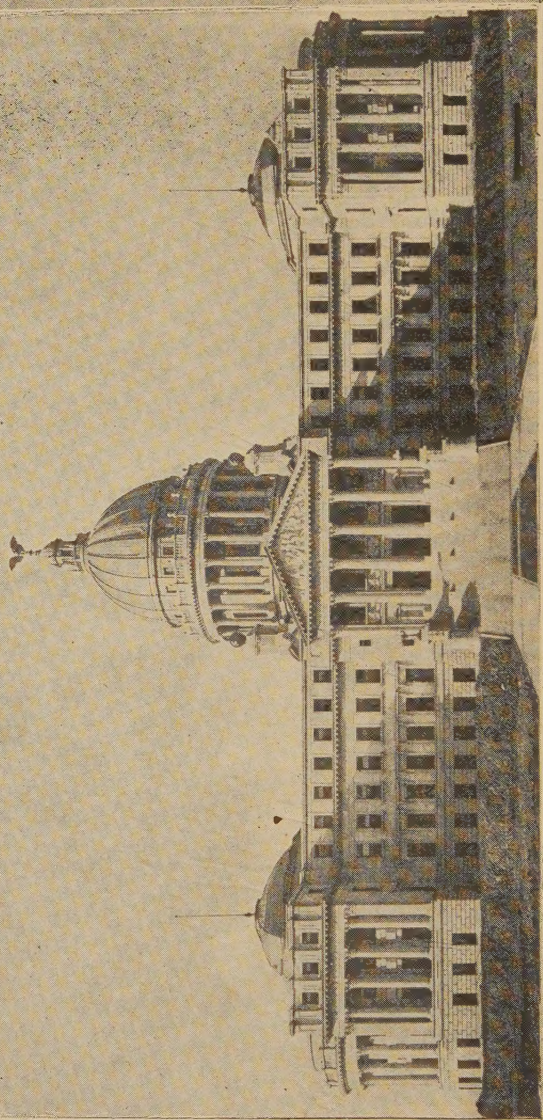
SCHOOL HISTORY OF MISSISSIPPI

F. L. RILEY



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SCHOOL HISTORY

OF

MISSISSIPPI

FOR USE IN

PUBLIC AND PRIVATE SCHOOLS

By FRANKLIN L. RILEY, PH.D.
PROFESSOR OF HISTORY UNIVERSITY OF MISSISSIPPI
SECRETARY OF THE MISSISSIPPI HISTORICAL SOCIETY



RICHMOND, VA.:
B. F. JOHNSON PUBLISHING COMPANY
1909

TEACHERS' HANDBOOK OF MISSISSIPPI HISTORY

Containing directions as to how to teach Mississippi History, thought questions on the text, map exercises, recommended supplementary readings, and outlines of the text in School History of Mississippi . . .

Price, 40 Cents, Postpaid

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PREFACE

History is preëminently a study of the deeds, thoughts, feelings, and emotions of mankind. One of our American writers has well said that there are five clearly defined phases of human life—political, religious, educational, social, and industrial—which constitute the proper subjects for the history of any people. All of these phases are important, and should receive the attention of every teacher and student of history.

The aim of this book is to present the main facts in the history of Mississippi in a form that will meet the needs of the public and private schools of the State. The volume contains all of the most important contributions made in recent years to the various subjects of which it treats, and presents, besides, many neglected phases of the religious, social, economic, educational, and literary history of the State. It is believed that these facts will be a source not only of pleasure, but of great profit to the student. In the footnotes will be found numerous references that will enable teachers and students to find the best authorities on such subjects as they may desire to study exhaustively.

The author acknowledges with pleasure his obligations to Peter J. Hamilton, Esq., of Mobile, Ala.; Mr. H. S. Halbert, of Conehatta, Miss.; Professors Dabney Lipscomb, C. C. Ferrell, and A. L. Bondurant, of the University of Mississippi, whose suggestions have added greatly to the value of the book; to General Stephen D. Lee, who has rendered valuable assistance in the preparation of the chapters on the War between the States; to Mr. J. W. Garner, Fellow in Political Science, Columbia University, who has written the greater part of the chapters on the period of reconstruction; to Hon. James F. McCool and Mr. N. R. Drummond, who have aided in the preparation of the Appendix; and to the Goodspeed Publishing Company, of Chicago, for permission to make use of numerous illustrations from *Biographical and Historical Memoirs of Mississippi*.

FRANKLIN L. RILEY.

SUGGESTIONS TO TEACHERS

1. It will be noticed that the text is prepared for a topical study, the various subjects discussed being indicated by headlines printed in heavy type. These subject headings will greatly aid the teacher in asking questions in the recitations. Questions have been omitted at the end of the chapters because it is believed that by so doing the students will be led to think more about the principal points in their lesson than about the answer to be given to "set" questions.

2. In order to aid the pupil in determining the subjects which are most important and which will form the basis of the recitations, summaries have been inserted at the end of each chapter.

3. The blackboard should be frequently used. The summary may be written on the blackboard by the pupils at the end of the recitation, thus impressing upon them the principal facts that are contained in each lesson.

4. The footnotes are intended as side-lights for the use of the teacher or the advanced pupils, but are not to be considered as parts of the text. The students should be encouraged to read them over, but should not be required to study them. The references to authorities are given in answer to numerous inquiries from teachers as to the best supplementary books on Mississippi history. Every teacher should procure as many of the books referred to as possible, and every school library should be particularly strong along this line.

5. A detailed discussion of the religious, social, economic, educational, and literary progress of the State since the War between the States would make the book too large for use in the common schools. The author suggests that the student be encouraged to write, if practicable, brief essays on these subjects, based on the results of conversations with parents and friends.

6. Teachers should aim, above all things, to awaken an interest in the history of their State, and to impress the pupils with the dignity and importance of the subject. Remember that pupils are generally interested in whatever interests their teachers.

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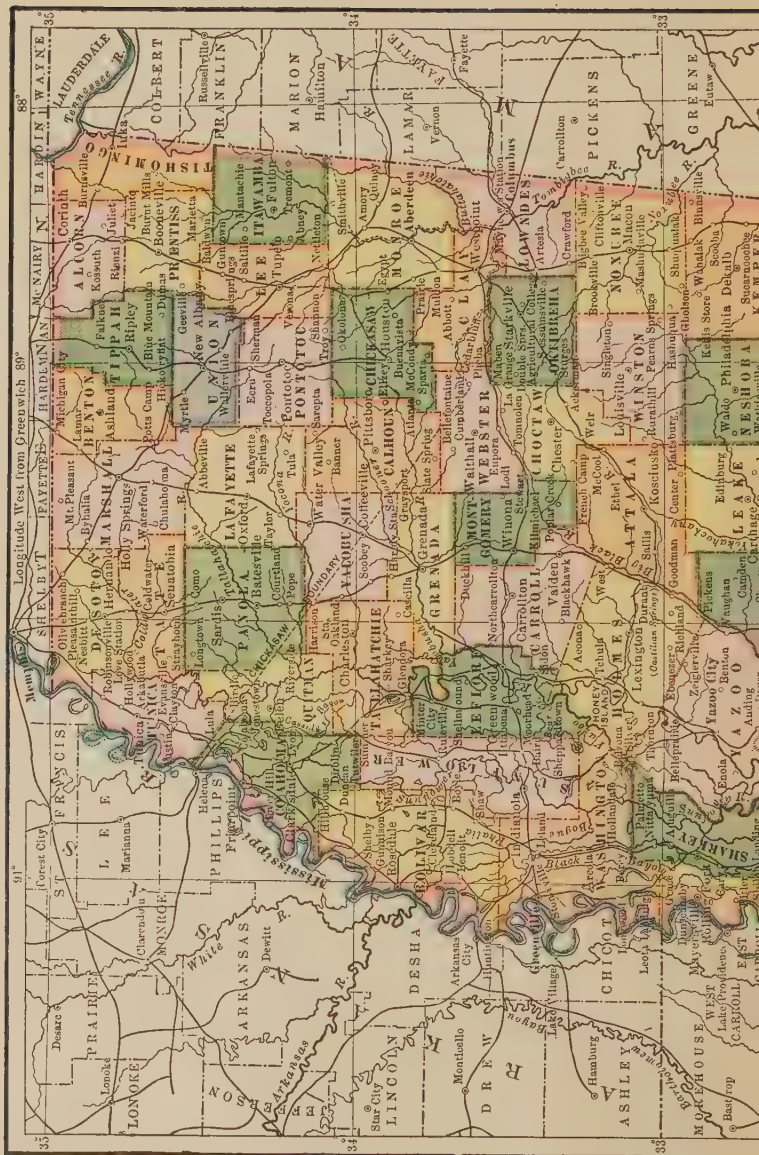
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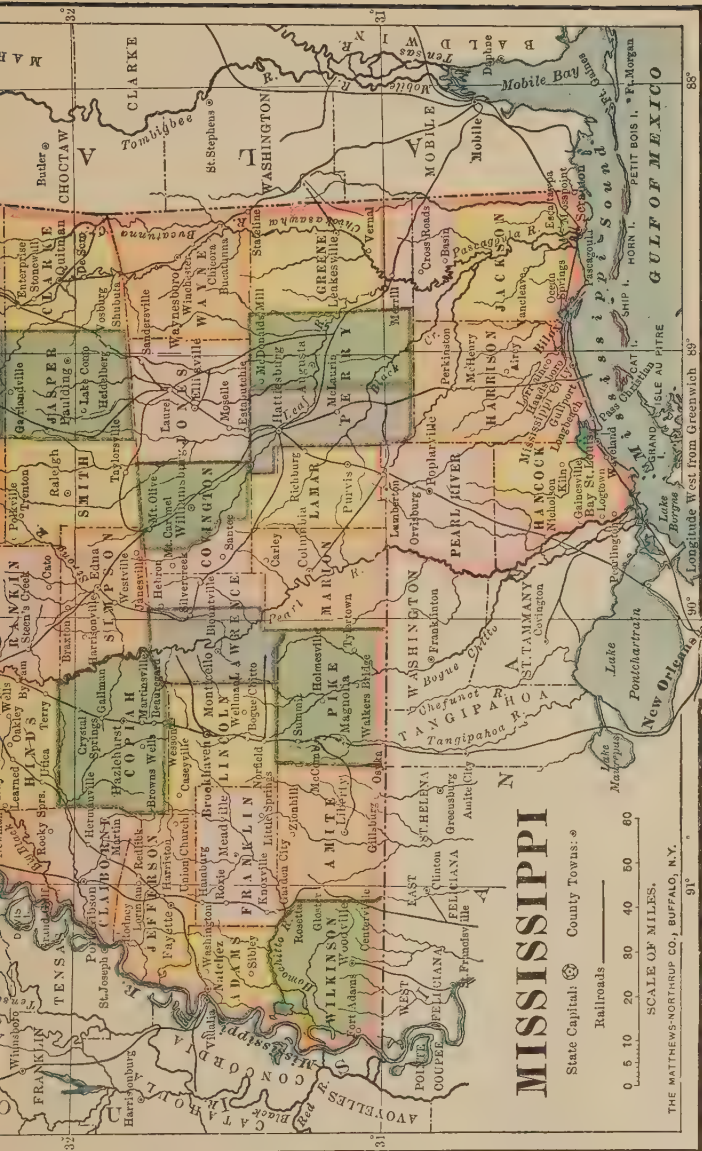
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HISTORY OF MISSISSIPPI

EPOCH I

DISCOVERY AND EXPLORATION

CHAPTER I

THE COUNTRY.

1. The Gulf Coast.—When the explorers of the sixteenth and seventeenth centuries sailed along the southern coast of what is now the State of Mississippi, they found the general features of the country about the same as they are at present. They observed a long series of low, sand islands near the shore, which extended from Mobile Bay to the mouth of the Mississippi River. These islands, with their thin growth of vegetation, afforded to the ships of the explorer a slight protection from the storms of the Gulf. To the north, was to be seen the slightly elevated mainland, bordered by a beach of pure white sand and covered with a forest of stately liveoaks and magnolias, many of them clothed in their somber garments of hanging moss. At no place along the coast had nature raised great battlements of rugged and precipitous mountains to defend against the explorer the great treasures of forests and soil that lay within. On the contrary, the shallow bays and the mouths of numerous rivers that indented the shore gave repeated invitations to enter this great region.

2. The Eastern Bank of the Mississippi.—On the western border of this territory was found the majestic river from

which the State received its name. Along the shores of this winding stream was a dense growth of trees, vines and cane, which gave unmistakable testimony to the quality of the soil upon which they grew. A succession of elevations along the river at the present sites of Vicksburg, Grand Gulf, Natchez, White Cliff, and Fort Adams served to convince the uninformed explorer that something more than swamps and marshes were to be found to the east.

3. Fiver Systems.—The State has no great streams wholly within its borders. It is situated, for the most part, between two rivers that exerted a great influence upon its exploration and settlement. The first of these in size and importance—the Mississippi—has already been mentioned. This river, with the streams that flow into it, drains about one-third of the State. The greatest eastern tributary of this stream south of the Ohio is the Yazoo, which is the most important river to be found wholly within the State. This stream, with its tributaries, drains the greater part of the Mississippi-Yazoo Delta, which comprises one-sixth of the area of the State. The Big Black River rises between the head waters of the Yazoo and the Pearl and flows in a southwesterly direction into the Mississippi. Near the eastern boundary of the State, and partly within its borders, is found the second river—the Tombigbee—which has exerted a great influence upon the history of Mississippi. (§§169-171.)

Two of the largest rivers between the Mississippi and the Tombigbee are the Pearl and the Pascagoula (pās'ka-gōō'lā). The Pearl is the second stream of importance within the State. The Pascagoula drains that part of the State between the Pearl and the Tombigbee.

4. Surface of the State.—Mississippi has no mountains within its borders. The surface is, for the most part, rolling or undulating with a gradual slope from north to south.

The Pontotoc ridge in the northeastern part of the State reaches an elevation of 800 or 1,000 feet in Tippah and Union counties. The elevation of the central part is from 300 to 500 feet, and that of the southern part near the Gulf Coast is from twenty to thirty feet. The ridge that separates the waters of the Mississippi from those of the Tombigbee rises in the northern part of the State and extends southward to the Gulf. It divides in Choctaw county, near the sources of the Big Black, the Pearl, and the Pascagoula rivers. One branch continuing southward separates the waters of the Pearl and the Pascagoula rivers; it gradually subsides as it approaches the Gulf Coast, and terminates in high banks near Bay St. Louis. The other branch extends in a southwesterly direction and separates the streams that flow into the Mississippi from those that flow into the Pearl River, Lake Maurepas (mōr'ē pa) and Lake Pontchartrain (pōnt chār trān'). On the eastern bank of the Mississippi it ends abruptly in high hills, formerly called Loftus Heights.

There are four regions of Mississippi that are more or less level. These are the Mississippi-Yazoo Delta, the Gulf Coast, and the prairie regions of the central and of the northern parts of the State. The delta includes that part of the State lying between the Mississippi and the bluffs on the eastern side of the Yazoo. The soil of this region is wholly alluvial, having been formed by deposits of the Mississippi during its numerous overflows. The Gulf Coast embraces the vast area of pine forests in the southern part of the State. One of the prairie regions extends across the central part of the State, almost east and west; the other embraces the northeastern part of Mississippi and extends to about the middle of the eastern boundary.

Summary

1. The two general features of the southern coast of Mississippi are: (a) A series of low, sand islands along the shore, and

(b) to the north a level mainland indented by numerous bays and rivers.

2. Along the eastern bank of the Mississippi were found a dense growth of vegetation and a succession of elevations at irregular intervals.

3. Mississippi is situated between two historic streams, the Mississippi and the Tombigbee. The first of these drains about one-third of the State and has for its tributaries the Yazoo and the Big Black. The Pearl and the Pascagoula are the largest streams that flow directly into the Gulf from the State.

4. The highest elevation in the State does not exceed 1,000 feet. The surface is generally undulating with a gradual slope from north to south. The principal watershed of the northern part of the State divides in Choctaw county into two branches, which extend throughout the length of the State on each side of Pearl River.

5. The Mississippi-Yazoo Delta, the Gulf Coast, and the two prairie regions are more or less level.

CHAPTER II

THE NATIVES

5. Tribal Divisions.—When Mississippi was entered by European explorers, the Indians found here were grouped into several tribal divisions, which differed greatly in numbers and in power. Although some of these tribes were related, each of them had manners, customs, and traditions peculiar to itself.*

6. The Natchez.—The Natchez Indians† lived along the east bank of the Mississippi south of the Big Black River. At one time they had sixty villages and eight hundred princes.

*For a general account of the manners, customs, and occupations of the Indians of Mississippi, see Pickett's *History of Alabama*, Vol. I., Chapter II.; Claiborne's *Mississippi*, Chapter XXXIII.

†See Gayarré's *History of Louisiana*, Vol. I., pp. 286-350; Pickett's *History of Alabama*, Vol. I., pp. 129-133; Claiborne's *Mississippi*, pp. 23-26.

There is probably no truth in the story, which was once widely accepted, that this tribe fled to Mississippi from Mexico at the time of the Spanish invasion under Cortez. Although not the largest nation, they were the most civilized Indians that were found in the State. The principal object of their worship was the sun. Their chief was, therefore, called the "Great Sun," and the members of the nobility were called "Little Suns." The higher ranks

disregarded the rights of the common people, who were called the "stinking." Upon the death of the "Great Sun," his servants willingly submitted to death in order that they might serve him in the other world, believing that by this means they would enjoy the greatest happiness. The chief was succeeded not by his own son, but by the son of his sister, who was the first princess of the blood. The sun being the principal object of

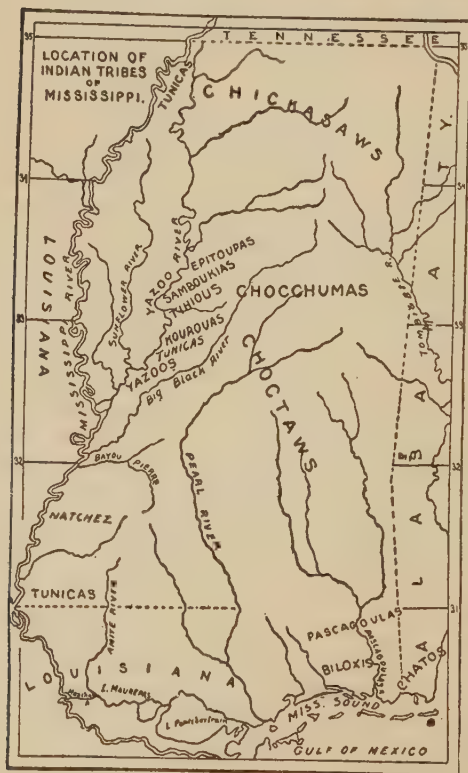


Indian Wigwam.

their worship, the great chief assumed the relationship of "brother of the sun," and to enable them better to converse together his palace was built on the top of a mound. The palace door faced the east, and every morning the great chief honored by his presence the rising of his elder brother by saluting him with many howlings, as soon as he appeared above the horizon, and by making him an offering of the first three puffs of smoke drawn from his calumet, or pipe,

Then, by turning from the east to the west, the chief would show his elder brother the direction he must take in his course.

Their temples were built like an inverted earthen oven, and were about one hundred feet in circumference. In



these a perpetual fire was kept smoldering. Cane baskets placed on shelves in the principal temple contained the bones of ancient chiefs, near which were also deposited the remains of their faithful servants. Other baskets, gorgeously painted, held their idols. These idols were stuffed owls, pieces of crystal, jaw-bones of large fish, the heads and the tails of extraordinary serpents, and figures of men and women made of

stone or baked clay. They offered human sacrifices in order to please their gods. According to their way of thinking, the ideal man was an able hunter, a good warrior, and an excellent workman. The common people and all women, except the sisters of the great chief, were

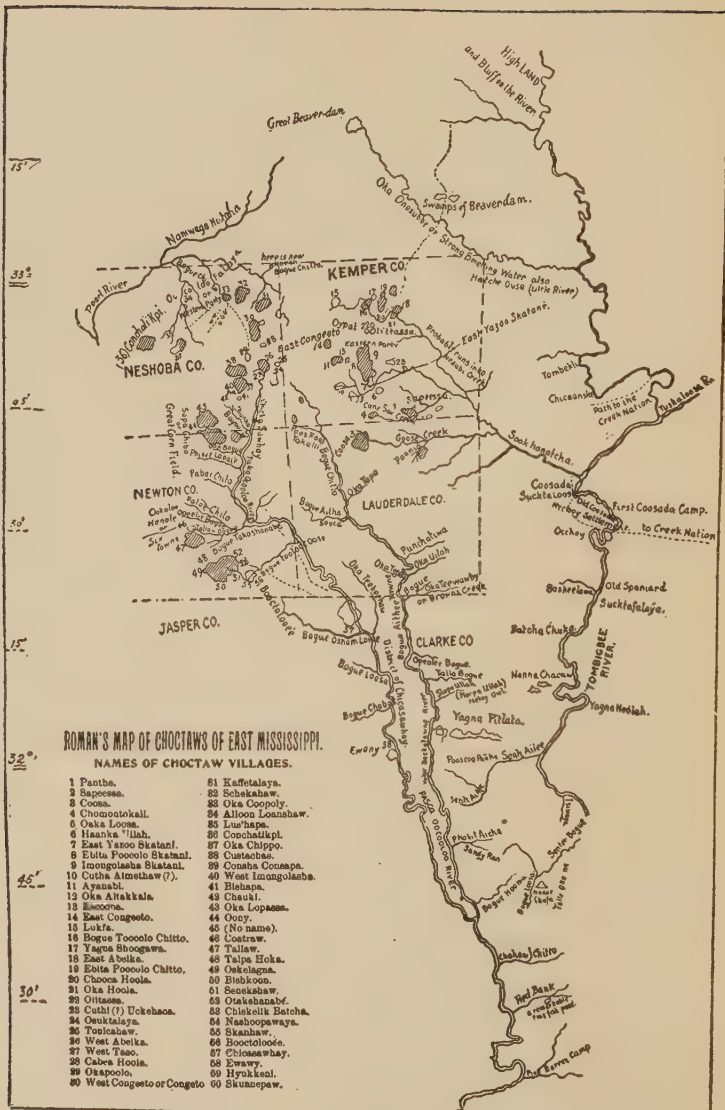
forbidden to enter the temple. The sad fate of this people will be learned in another chapter. (§44.)

7. The Choctaws.—There is a large mound called Nanih Waiya* (nä nĩ wĩ'yä), situated in the southern part of Winston county, near the Neshoba county line. It was undoubtedly the center of Choctaw life long before the discovery of America, and is still looked upon as the birth-place of their race. They call it "the Great Mother." Mr. H. S. Halbert tells us that, according to one of their traditions, "in the very center of the mound, ages ago, the Great Spirit created the first Choctaws, and through a hole or cave they crawled forth into the light of day."

According to another tradition, soon after the creation of the Choctaws the Great Spirit divided them into "iksas" or clans. "Stationing one iksa on the north and the other on the west side of the sacred mound, the Great Spirit then gave them the law of marriage, which they were forever to keep inviolate. This law was that children were to belong to the iksa of their mother, and that one must always marry into the opposite iksa. The members of each iksa lived anywhere in the nation, but as every one knew to which iksa he belonged, no mistake could possibly occur." This iksa division still exists among the Choctaws of the State, but, as a result of contact with the white race, it is gradually disappearing.

According to their tradition, after they had lived for some time on the products of the soil, a crow brought a single grain of corn from across the great water and gave it to an orphan child, who was playing in the yard near Nanih Waiya. The child named and planted the grain.

*See Halbert's *Nanih Waiya, the Sacred Mound of the Choctaws*, in the *Publications of the Mississippi Historical Society*, Vol. II., pp. 223-234; Pickett's *History of Alabama*, Vol. I., pp. 134-153; Claiborne's *Mississippi*, Chapter XXXIII.



This map is here published for the first time from a manuscript drawn in 1772 and owned by Dr. Albert S. Gatschet, of Washington, D. C. The county lines were inserted by Dr. Gatschet. (16)

and when it came up he "hoed it, hilled it up, and laid it by." The plant grew up and bore two ears of corn, and in this way the cultivation of corn was begun.

The Choctaws were by far the largest nation that lived in Mississippi, and owned at one time probably half of it. They were slender in form and astonishingly active and swift of foot, but very few of them could swim. They were often called "flat-heads" from their custom of compressing the heads of their male children in infancy. Upon the whole, they were peaceable and friendly to the white settlers. We are told that no Indians excelled them in hospitality, which they exhibited particularly in their hunting camps, where all travelers and visitors were received and entertained with a hearty welcome.

After the treaty of Dancing Rabbit Creek in 1830 (§191), a large number of them migrated to the Indian Territory. Many of them declared, however, that they would never leave Nanih Waiya, their great mother, and that as long as she stood they would live in the land of their birth. There are about 800 of them now living in the State.

8. The Chickasaws.—This nation was closely related to the Choctaws, but differed from them greatly in disposition. The Chickasaws lived in the northern part of the State. Their territory as well as their population was much smaller than the territory and population of the Choctaws. Although they were fierce warriors, they boasted of the fact that they had never fought against the Americans.

The Chickasaws are said to have been haughty and cruel, and the fiercest and most insolent people among the southern Indians. They were notorious thieves, often invading the territory of their neighbors and carrying away slaves and plunder. The men would not cultivate the soil, and when they were not hunting or waging war, they spent their time playing on rude flutes or sleeping,

while the women did the work. We are told that they were excellent swimmers, and their children were taught this art in pools and clay holes, which remained filled with water unless the summer was remarkably dry. They were expert hunters, and delighted in the difficult sport of "overcoming the fleet deer and the equally swift and more formidable elk." Although their country abounded in beaver, they never attempted to capture this valuable animal, saying that anybody could kill a beaver.

In 1832 the Chickasaws ceded to the government of the United States their entire possessions east of the Mississippi in return for a grant of land in the Indian Territory. Shortly afterwards, the greater part of the nation emigrated to their newly acquired possessions. (§237.)

9. The Relationship Between the Choctaws and Chickasaws.—Mr. H. S. Halbert has recently published a more correct account of the migration legend of the Choctaws and Chickasaws than the one which he contributed to Claiborne's History in 1877. It reads as follows:

"In ancient days the ancestors of the Choctaws and Chickasaws lived in a far western country, under the rule of two brothers, named Chahta and Chikasa. In process of time, their population becoming very numerous, they found it difficult to find enough to eat in that land. Their prophets thereupon announced that far to the east there was a country fertile in soil and full of game, where they could have ease and plenty. The entire population resolved to make a journey eastward in search of that happy land. In order easily to get something to eat on their route, the people marched in several divisions of a day's journey apart. A great prophet marched at their head, bearing a pole which, on camping at the close of each day, he planted erect in the earth in front of the camp. Every morning the pole was seen leaning in the direction they were to

travel that day. After the lapse of many moons they arrived one day at Nanih Waiya. The prophet planted his pole at the base of the mound. The next morning the pole was seen standing erect and stationary. This was interpreted as a sign from the Great Spirit that the long-sought-for land was at last found. It so happened that the very day the party camped at Nanih Waiya, a party under Chikasa crossed the creek and camped on its east side. That night a great rain fell, and it rained several days. In consequence



INDIAN VILLAGE.

of this, all the low lands were overflowed, and Nanih Waiya Creek and other streams running into Pearl River were made impassable.

“After the waters had gone down, messengers were sent across the creek to bid Chikasa’s party return; as the pole they had followed showed that the long-sought-for land was found, and the mound was the center of the land. Chikasa’s party, however, regardless of the weather, had proceeded on their journey, and the rain having washed all traces of their march from the grass, the messengers were unable to follow them up and so returned to camp.

Meanwhile, the other divisions in the rear arrived at Nanih Waiya, and learned that here was the center of their new home, and that their long journey was at last finished. Chikasa's party, after their separation from their brethren under Chahta, moved on to the Tombigbee, and finally became a separate nationality. In this way the Choctaws and the Chickasaws became two separate, though kindred nations."

10. The Biloxis.—When the Biloxis* first came in contact with the French under Iberville (ē bër veel') in 1699, they were living near Biloxi (bĭ lõk'sĭ) Bay. They afterwards moved westward to Pearl River, where they remained until 1764. At that time they crossed the Mississippi and settled in Louisiana. Many members of this nation have within recent years joined the Choctaws and Alabamas of eastern Texas, though a few of them still live in Rapides (ră peed') Parish, Louisiana. They do not call themselves Biloxis, but use instead a name which signifies "the first people." A study of their language shows that they belong to the 'Sioux (sōō), or Dakota family, having separated from the original tribe at some remote time.

11. The Pascagoulas.—At an early date the Pascagoulas lived on the Pascagoula River, and were closely associated with their neighbors, the Biloxis. In 1764 both tribes emigrated to Louisiana. The story that the Pascagoulas drowned themselves in the Pascagoula River in order to escape from their foes, is not true, since one hundred and eleven of them were living in Louisiana as late as 1830. Little is known of their history since that time.

12. Other Small Coast Tribes.—Early in the eighteenth century two other small tribes were still living on the Pascagoula River. They have since disappeared, and it is thought that they united with the Pascagoulas and Biloxis.

*See Halbert's *Small Indian Tribes of Mississippi*.

A third tribe that lived on the coast of Mississippi was probably absorbed at an early date by the Choctaws.

13. The Chocchumas.—The Chocchumas (chöck chew'-mäz) lived along the Yazoo River. Their name signifies in their language "red craw-fish." They occupied a narrow strip of territory between the Choctaws and Chickasaws, which extended from the mouth of the Yalobusha (yăl ō-bū'sha) on the west to the vicinity of West Point on the east. The following interesting account of this nation has been recorded by Mr. H. B. Cushman, of Texas, who received it from several aged Choctaws:

"The Chocchumas built many forts in this territory, several of which were in Oktibbeha (ök tib'be hä) county. In the center of their forts, they erected tall poles, on which they suspended scalps, beads, bones and other articles. When the wind blew through these trophies, it made a peculiar noise, which their prophets said was the voice of the Great Spirit, informing them that some Choctaw or Chickasaw was killing a Chocchuma. Forthwith a party of young braves would go on the warpath, and the first Choctaw or Chickasaw they met, whether old or young, male or female, they would kill, and then return home, hang the scalp on the pole, and wait another message from the winds."

Tradition says that these acts of hostility, together with the frequent horse-stealing inroads into the Choctaw and Chickasaw countries, led to a war with these latter nations. In this conflict the most noted Chocchuma stronghold, situated about eight miles northeast of the present town of Starkville, was captured and the Chocchuma nation was destroyed. These events probably occurred about 1770. Tradition tells us that in this war the hostility of the conquerors was so fierce that they killed every dog, cat, and chicken found in the Chocchuma villages.

14. The Tunicas.—When the early explorers entered Mississippi they found several settlements of the Tunicas on the Yazoo and two on the Mississippi. In 1763 some warriors belonging to this tribe killed several members of an expedition under Major Loftus. (§61.) In 1817 the entire tribe emigrated to Louisiana, where their descendants still live.

15. The Yazoos and Their Neighbors.—This tribe lived near the mouth of the Yazoo River. In the latter part of the eighteenth century they occupied one hundred cabins. There were four other small tribes that lived at an early date on the Yazoo River. These, together with the Yazoos, joined the Chickasaw nation in 1836.

Summary

1. The largest Indian tribes in the State were the Choctaws, the Chickasaws, and the Natchez, the first two of which were related.

2. The Choctaws occupied the central and southern portions of the State.

3. The Biloxis, the Pascagoulas, and two or three other small tribes lived on the Gulf coast.

4. The Chickasaws and Chocchumas occupied the northern part of the State.

5. The Natchez, the Yazoos, the Tunicas, and four other tribes lived on the Yazoo and Mississippi rivers in the western part of the State.

CHAPTER III

EARLY EXPLORATIONS

16. De Soto's Expedition* (1539-1543).—In the month of June, 1539, a formidable body of soldiers under the command of the Spanish hero and explorer, Hernando De Soto, landed at Tampa Bay, Florida. This was the most gallant and imposing expedition that had ever set foot in the new world. Among their number were many representatives of the noblest families of Spain and Portugal. They had joyfully embarked upon this expedition, believing that their deeds would surpass in splendor those of Cortez in Mexico and of Pizarro (pē zār'rō) in Peru. They spent a year and a half wandering through the present States of Florida, Georgia, and Alabama. In December, 1540, those who had survived the hardships of the expedition and the numerous attacks of the Indians, entered what is now the State of Mississippi near the present city of Columbus. Still lured on by the vain hope of finding great mineral wealth, they pursued a northwesterly course until they reached Pontotoc county, where they erected a fortification and went into winter quarters. After the lapse of several weeks the Spaniards aroused the hostility of the natives, and two battles were fought, in which the Spaniards lost many men and horses and the greater part of their stores and equipments. In April the survivors resumed their march, and, after fighting another severe battle with the natives, reached the Mississippi River about May 5, 1541. They crossed this river a month later. Some writers state that the point of crossing was near the present city of Memphis,

*Gayarré's *History of Louisiana*, Vol. I., pp. 14-21; Claiborne's *Mississippi*, pp. 2-11; Pickett's *History of Alabama*, Vol. I., Chapter I.

but others contend that it was below the mouth of the St. Francis River, in the vicinity of Helena, Arkansas. After wandering through parts of the present States of Arkansas and Louisiana, De Soto died May 21, 1542, and was buried in the great river which he had discovered a year previously. After a long and perilous voyage down the Mississippi and on the Gulf, less than three hundred of his men,



Burial of De Soto.

“blackened, haggard, shriveled up and half-naked,” reached their fellow-countrymen in Mexico.

17. Expedition of Marquette and Joliet.—For one hundred and thirty-three years after De Soto's ill-fated expedition no white man's foot trod the soil of Mississippi. The Spaniards in their greed for gold directed their efforts to other parts of the new world. By failing to occupy the great valley of the Mississippi, to which they were entitled by the right of discovery, they lost a country more valuable than the gold of Mexico and of Peru.

The French in Canada heard of the Father of Waters from the Indians living near the Great Lakes, and the governor of New France sent Jacques Marquette (zhäk mär ket') and Louis Joliet (lōō'ē zhō lē ā') to explore it. In May, 1673, they set out with six companions upon this great expedition. Starting in two birch-bark canoes from a French trading post and mission station near the southern extremity of Lake Michigan, they went north to Green Bay. They then entered Fox River, which they ascended to its source. Here they met with discouragements from the Indians with whom they came in contact, but as Marquette would not abandon his expedition, some of the natives accompanied the explorers through the swamps and marshes to the Wisconsin River, which they descended to the Mississippi. They followed the winding course of this great stream past the mouths of the Missouri and the Ohio to the mouth of the Arkansas. Being convinced that this was the great river they sought, they returned to Lake Michigan by way of the Illinois River.

18. La Salle's Expedition* (1681-1687).—The news of the success of Marquette and Joliet's expedition excited the interest of Chevalier La Salle (shě vă lē ā' lāh sāl'), who realized at once the importance of securing the vast region drained by this great river. He obtained from the king of France, Louis XIV., a commission to explore the entire length of the Mississippi. After having encountered numerous misfortunes and suffered untold hardships, he ascended the



La Salle.

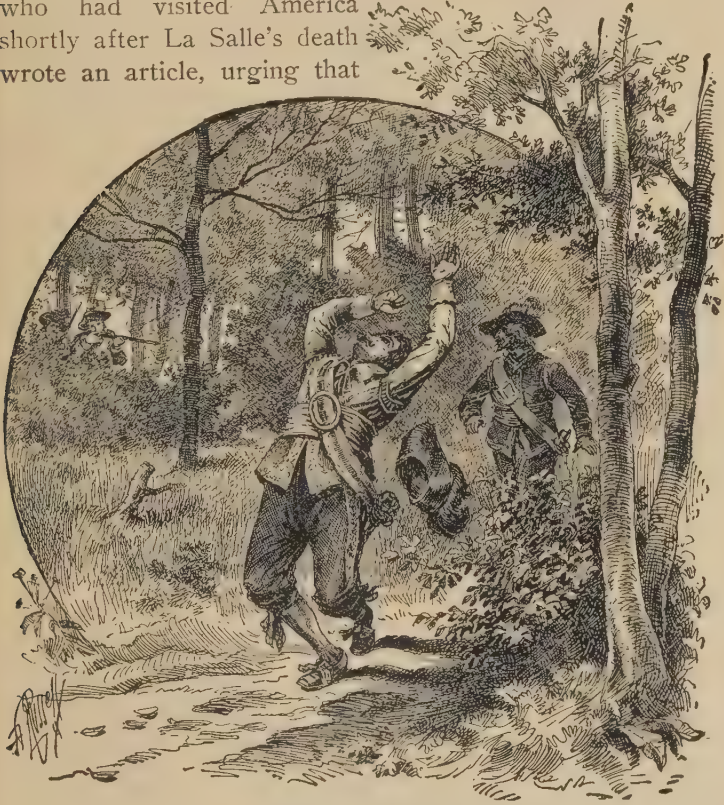
*Read Parkman's *La Salle and the Discovery of the Great West*.

Chicago River, and crossed over to the Illinois; descending this river he reached the Mississippi early in February, and continued his course until he finally arrived (April 9, 1682) at the Gulf of Mexico. He then erected a cross bearing the arms of France, and claimed for his king all of the country drained by the Mississippi and its tributaries. He named this vast territory "Louisiana" in honor of King Louis. His plans had then been only partly carried out. La Salle next directed his energies to the occupation of this country. He realized the importance of planting a French colony near the mouth of the Mississippi to keep out the Spaniards and to control the navigation of that river. With this object in view he sailed from France in 1684 with some colonists, expecting to enter the mouth of the Mississippi and to establish a colony on its bank. Unfortunately he missed the mouth of the river and landed on the coast of Texas. A short time afterwards (March 29, 1687), he was murdered by some of his companions while on the way overland to Canada. Two years later a war broke out between France and England. No further attempt was made to carry out the wise policy of La Salle until more than ten years had elapsed.

19. The Policy of La Salle.—In the death of La Salle, the king of France lost one of his most far-seeing and devoted subjects. La Salle had foreseen the inevitable conflict between France and England for the control of North America. If his plan for the occupation and settlement of the Mississippi Valley could have been promptly and successfully carried out, the English colonies might have been confined to the Atlantic seaboard, and Mississippi would probably have remained a French colony.

20. Interest in the Mississippi Valley.—Although the fate of De Soto and La Salle seemed to prove the truth of the

legend that evil spirits guarded the Mississippi, interest in the great region continued to increase. A French traveler who had visited America shortly after La Salle's death wrote an article, urging that



Death of La Salle.

his government make renewed efforts to colonize the Mississippi Valley.

The author of "Colonial Mobile"* well says that the idea grew that this valley was to be a part of New France,

*Read Hamilton's *Colonial Mobile*, Chapter V.

which should front not only the Atlantic on the north, but the Gulf of Mexico on the south, and constitute an empire worthy even of the Grand Monarch. French forts along the Great Lakes and rivers would protect the trading posts, serve as centers for French influence among the Indian tribes, and thus hem in the English colonies between the mountains and the sea.

In 1699 the French were further aroused to action by the report that William, king of England, had become interested in the region, and that an English company was organizing to occupy the country. The French realized the fact that the first war between the French and the English colonies, known as King William's War (1689-1697), had not ended the struggle between these two nations for the control of North America. In order to prepare for the future, France would have to occupy the Mississippi without delay.

21. Expedition of Iberville.—In 1697 a young naval officer named Iberville, a native of Canada, who had gained distinction in the war that had just closed, applied to the king of France for permission to do just what La Salle had attempted several years before—namely, to found a colony near the mouth of the Mississippi. His request was promptly granted, and his expedition* sailed October 24, 1698, from a French port for the Mississippi. The importance attached to this expedition by the French government is shown by the fact that one frigate carrying fifty guns and two others carrying thirty guns each, besides two smaller vessels, were put under the command of Iberville. The fleet reached Mississippi Sound and anchored (February, 1699) between the islands and the mainland. After visiting and naming the islands off the coast, Iberville, with

*See Pickett's *History of Alabama*, Vol. I., Chapter IV.

a number of his men, began to explore the country. They soon reached one of the mouths of the Mississippi, and were the first to enter the great river from the Gulf. They ascended it for ten days until they reached an Indian village, where they found a prayer-book which had belonged to a member of La Salle's first expedition, some garments which he had given the natives, and a coat of mail that had belonged to one of De Soto's men. Iberville, being then assured that he had found the Mississippi, descended the river and entered the small stream which now bears his name. Here his brother, Bienville (*bē ān vēl*), with a number of men, separated from the party and descended the Mississippi to the sea. On his return Bienville, by the promise of a hatchet, induced some Indians to procure a letter that had been left for La Salle by a Frenchman fourteen years before. Under the direction of an Indian guide, Iberville, with the rest of his men, passed through the shallow waters of the Manchac (*mān'shăck*) and descended the Amite (*ā mēt'*), which he named in honor of the friendly reception given him by the natives. He then crossed over lakes Maurepas and Pontchartrain to his fleet. He named the last two bodies of water in honor of two French ministers and Bay St. Louis in honor of Louis IX., the sainted king of France. Observation of the country through which he passed convinced him that the Mississippi would not do for sail navigation, and that its swampy banks would not be suitable for habitation. He therefore chose the mainland, near the place where his ships were anchored, as the site of his colony.

22. Henry De Tonti.—The father of this best and most active of French pioneers was an Italian, who for political reasons had left his native country and settled in France. While there he devised the Tontine system of insurance that is still used. His son, Henry, had lost a hand in the

service of France, but used an iron substitute, which gained for him among the savages the name of Iron Hand. Tonti (ton'tēē) was a member of La Salle's party that descended the Mississippi, and he shared with the great explorer the hardships and labor of this important expedition. His name appears among those who witnessed the ceremonies by which La Salle took possession of this country. When La Salle returned to France in order to prepare for his second expedition to the Mississippi, he left Tonti as his deputy in America, stationing him in the Illinois country. Several months later Tonti descended the river to meet La Salle, and left a letter with some Indians, not knowing the fate of his friend. This letter was afterwards found by Bienville, as has been already mentioned. When Iberville appeared on the Mississippi, Tonti was the first white man to descend from the Illinois country to welcome him to this wild region. He afterwards made his home in this new settlement, and rendered valuable service in gaining for it the friendship of the Choctaws and the Chickasaws. The first epidemic of yellow fever known in the history of the Gulf States put an end to his valuable services (September, 1704).

Summary

1. The expedition of De Soto (1540) was the first to enter the present State of Mississippi and to discover the river of the same name (1541).

2. One hundred and thirty-three years afterwards (1673) Marquette and Joliet descended the Mississippi to the mouth of the Arkansas.

3. La Salle then descended the Mississippi (1682) to its mouth and in the name of the king of France took possession of the vast region drained by this river and its tributaries.

4. Iberville profited by the interest that had been awakened in this country by the explorations of La Salle, and planted a colony at Biloxi (1699).

EPOCH II

UNDER FRENCH RULE (1699-1763)

CHAPTER IV

UNDER MILITARY-CIVIL LAW (1699-1713)

23. Settlement at Biloxi.—Iberville observed to the north of where his ships lay at anchor a beautiful little sheltered bay, where small vessels could come and go safely at all times. Here he erected a wooden fort which he named in honor of Count Maurepas. No town was laid out, however, as this was intended as only a temporary settlement. It was guarded by twelve cannons, and was well supplied with ammunition. He then departed for France, leaving Sauvole (sō vōl') in command and Bienville as "king's lieutenant." He also left a major, a chaplain, and eighty men as a garrison. This, the first white settlement in Mississippi, was also the first capital of Louisiana. It was not located at the present site of Biloxi, but at "Old Biloxi," near the town of Ocean Springs. After an absence of about seven months Iberville returned from the mother country with reinforcements and supplies for the new colony. He had been instructed* to examine the discoveries made by Sauvole and Bienville during his absence, and to report upon the commercial possibilities of the country. This report was to determine whether the settlement was to be abandoned or made permanent. Royal commissions were

*He was especially instructed "to breed the buffalo at Biloxi; to seek for pearls; to examine the wild mulberry with the view to silk, the timber for ship-building; and to seek for mines." (See Claiborne's *Mississippi*, p. 27.)

brought, however, which confirmed Sauvole* as "commandant of the Bay of Biloxi and its environs," and Bienville as "lieutenant du roy" (lieutenant of the king). Boisbriant (bwä brē än'), who came over on Iberville's second voyage, was appointed commander of Fort Maurepas with the grade of major.

24. Extent of Louisiana.—Thus was Biloxi made the capital of a vast region which, according to a French document of a later date, was bounded by New Mexico and the lands of the English of Carolina, and embraced all the countries, territories, inland lakes, and the rivers which fell directly or indirectly into the Mississippi River. Bancroft forcibly says there was "not a fountain west of the Alleghanies but was claimed as being within the French Empire. Half a mile from the head of the southern branch of the Savannah River is Herbert's Spring, which flows into the Mississippi. Strangers who drank of it would say they drank French water."†

25. An English Claim.—In 1629 the king of England granted to his attorney-general, Sir Robert Heath, a large region of country, which embraced the territory of Mississippi. A few years later Heath transferred this grant to Lord Maltravers, and it subsequently became the property of Dr. Daniel Coxe, of the province of New Jersey. In 1665 the territory between 29° and 36° 30', north latitude, was given to the Lords Proprietors of Carolina. The same year that the French settled at Biloxi (1699) the title of Sir Robert Heath was reported upon as valid by the

*Hamilton (Peter J.), one of the latest and most accurate authorities on the early history of the Gulf Coast, questions the statement of Gayarré that Sauvole was a brother of Iberville. (See *Colonial Mobile*, p. 32. Read, also, in this connection Miss Grace King's *Bienville*, p. 73, note.)

†Bancroft's *History of the United States*, Vol. III., p. 343.

attorney-general of King William. Forty years previous to this date, however, Heath's charter had been declared void for non-use, so Charles II. extended the grant to the Lords Proprietors of Carolina to embrace all the territory between 29° and $36^{\circ} 30'$, north latitude. This charter was finally surrendered to the king, who gave a large part of the present territory of Mississippi to the colony of Georgia (1732). South Carolina, from 1744 to 1787, held a charter claim to a narrow strip of land, twelve miles wide, extending west to the Mississippi River.

26. Bienville and the English.—Bienville visited the neighboring Indians along the northern shore of Lake Pontchartrain and the Pascagoula, and gave them presents. He also went to Pensacola to watch the movements of a Spanish force that had recently fortified that place. A few days after his return to Biloxi he determined to explore the Mississippi again. When he was returning from his expedition, he met an English vessel of sixteen guns under the command of Captain Barr, who said that he intended to establish an English colony on the Mississippi. Bienville replied that the Mississippi was some distance to the west, and that the French had taken possession of the river Barr was on. Thanking him, Captain Barr returned to the Gulf, and the point he had reached was afterwards known from this circumstance as "the English Turn."

27. Efforts to Control the Mississippi River.—Iberville, fearing that the English might control the Mississippi, determined to build a fort eighteen leagues above its mouth, at a point that Bienville had selected. After he had completed his fortification, the two brothers, Iberville and Bienville, in company with Tonti, the veteran explorer of the great river, visited the tribes upon its shores. When they reached the site of the present city of Natchez, Iberville was so favorably impressed with the place that he resolved to

plant a settlement there. This resolution was not put into effect, however, until several years later.

28. Iberville.—After planting the first settlement at Biloxi, Iberville made several trips to France in its interest. When he returned to the colony he always found a hearty welcome, for he never failed to bring supplies and reinforcements. He brought to the colony cattle, sheep, hogs, and a better grade of horses. Realizing that the strength of a new colony depended more upon the kind of men sent to it than upon anything else, he insisted that only industrious, thrifty men should be sent to Louisiana. He also insisted that they should receive some assistance from the mother country, declaring that the weakness of French colonies lay in sending out the poor and giving them no start. As a source of wealth to the colony and a means of securing their aid against the English in the great conflict which he saw was inevitable, he planned an extensive trade with the Indians. We are told that his reports aroused the interest of science, the zeal of commerce, and encouraged the government to greater exertions. In one of his communications he showed that Spain had no just claim to the Mississippi Valley, and predicted that the English colonists would soon cross the mountains from the Atlantic seaboard and contend for the possession of the land along the great river and its tributaries. In less than one hundred years, said this prophet, the English, unless opposed by growth and persistence like their own, would occupy the whole of America. And so they did.

29. Sauvole as Commandant.—The care of this little colony weighed too heavily upon its first commandant to permit him to engage in the numerous exploring expeditions with Iberville and Bienville. While they were on the Mississippi he wrote, expressing his regrets that he could not accompany them. He complained that the location of

the capital was too low and sickly, and closed by expressing a hope that some mines of precious metals would be discovered. This vain hope of the governor had exerted a hurtful influence on the colonists; for instead of providing food for themselves by cultivating the soil, they had relied upon the French colony of San Domingo (săn dō măn'gō) for supplies until their numbers were greatly decreased by famine and disease. Sauvole himself died in 1701, leaving the direction of the colony to his more practical successor, Bienville.

30. Bienville as Commandant.—The new commandant at once gave evidence of a correct knowledge of the needs of



BIENVILLE

the starving colonists. He wrote to the home government, and urged that laborers be sent to the colony instead of lazy and immoral adventurers, who spent their time in search of mines and in other profitless pursuits. He not only urged the Indians to remain at peace among themselves, but aided the neighboring Spaniards of Pensacola in keeping order.

In 1701 a fort and magazine were established on Dauphine (daw'fin) Island, at the mouth of Mobile Bay. The year following, the capital of the colony was moved to the Mobile River, Biloxi being left in the care of twenty soldiers under Boisbriant. This site was chosen because it was well situated for watching the Spaniards at Pensacola, and for checking the increasing influence of the English on the Atlantic coast; besides, the Mobile River furnished an easy means of entering the interior of the country. Thus Mobile became the center from which French influence spread through the country to the north and the west; and in this way was laid the basis for settle-

ments that were in after years to spread over the whole country whose history you are studying.*

In 1704 twenty-three young French women of good character and industrious habits arrived at the capital. Before the lapse of many days all of them had found husbands; the marriages that followed were the first in the colony to be solemnized by Christian ceremony. In 1706 famine prevailed in the colony. To add to their unhappy situation, dissensions arose among the colonists and between Bienville and a subordinate officer named La Salle. Finally an order came deposing both Bienville and La Salle. When Bienville's successor, D'Artaguet (dār tā gēt'), arrived, he investigated the charges against Bienville, and wrote to the home government that all the accusations brought against Bienville were false. Thereupon Bienville was reinstated in office. He recommended that negro slaves should be brought to the settlement for use as laborers. Negroes were in the colony as early as 1707, though it is not known when they were first brought into it. The year 1710 closed disastrously for the colony. Complaints were made against Bienville and another famine scattered the people among the Indians to procure something to eat.

31. Relations with Canada.—During the first three years of its history the colony was nominally a part of Canada. The relations between the two sections however, were not pleasant, as their trading interests conflicted. Finally the governor of Canada began to desire more complete control over Louisiana affairs; while Iberville insisted on having the boundaries defined, and complained that the Canadians belittled him and his colony with the natives by contrasting the liberality of Canada with the poverty of Louisiana.

*For a concise statement of the results of recent investigations of the history of this period see Hamilton's *Colonial Mobile*. Chapters V. to VIII.

In spite of these quarrels, the little stations in Louisiana remained under the political control of the older and better organized colony on the north until 1701.

32. Government of the Colony.—During this entire period* the government of the colony seems to have been of a military type, though it had some features of the French civil system. Military law alone prevailed, and justice was administered by military tribunals. The chief officer was the “commandant of the Bay of Biloxi and its environs.” The extent of his authority, however, is not definitely known. Although Sauvole held the chief command until his death, Iberville, as long as he was in the colony, always treated with the Indians and acted as chief officer. We are told that “it was he of whom the company of Canada complained for interfering with the trade in beaver skins; it was he whom the court evidently looked upon as the head of the colony, even before he was formally appointed to the chief command.”

Summary

1. A French settlement was made at Biloxi in 1699; which thus became the capital of a vaguely defined region embracing the entire valley of the Mississippi.

2. The English had a rival claim to this country, and were turned from it by the misrepresentations of Bienville, who was determined to control the Mississippi River.

3. Iberville made several voyages to France in behalf of the new colony, and offered to the home government many practical suggestions which, if followed, would have led to the prosperity of the colony.

4. Sauvole was commandant of the colony until 1701, when he was succeeded by the more practical Bienville, who made efforts

*Read in this connection, Winston's *Narrative and Critical History of America*, Vol. V., p. 25, *et seq.*

to secure a better class of settlers, to direct their efforts to more profitable pursuits, and to promote peace with the natives.

5. The capital of the colony was moved to the Mobile River in 1702.

6. The colony suffered from numerous famines, and there were constant dissensions not only within the colony, but between it and Canada, which insisted upon exercising political and commercial control over these little stations to the south.

CHAPTER V

THE RULE OF COMMERCIAL MONOPOLIES (1713-1731)

33. The Colony Given Up by the King.—From 1701 to 1714 France was engaged in a desperate war with England, Holland, and Germany, in which she lost men, money, and territory. As the new French colony on the Gulf of Mexico was still a source of expense to the king, he was glad to shift this burden to the shoulders of one of his wealthy subjects, Anthony Crozat (crō ză'). A charter was granted to Crozat, giving him exclusive right to trade in this colony for a period of fifteen years, and making the government of the colony nominally "dependent upon the general government of New France" (Canada).

34. Governor Cadillac.—Crozat expected to make a fortune through mining and Mexican commerce. As Bienville had insisted upon agriculture, his policy did not suit the new proprietor. A new governor, Cadillac (kā dīl yăk'), who had founded Detroit, and was a man of much experience in American affairs, was sent over to take charge of the colony. Repeated efforts to trade with the Spaniards of Mexico proved to be no more profitable than the attempt to find mines of gold and silver in the Mississippi Valley. Trade with the Indians was more successful, but this was not sufficient to support the colony.

35. Affairs on the Mississippi.—In 1714 an English officer who was exploring the Mississippi River was captured and carried to Mobile, the capital of the colony. He was afterwards released, but was captured by the Indians, who, as they said, “broke his head.” Before this, however, the presence of traders from the English colony of Carolina among the Natchez had given the French reason to doubt the security of their hold upon the trade as well as the possession of this part of Louisiana.

Previous to 1714 the French had erected a warehouse among the Natchez Indians. These savages soon murdered some of the settlers, and robbed the warehouse. It therefore became necessary to send Bienville to punish them (1716). While on this expedition, he not only punished the offenders, but obtained the grant of a site for a fort. Fort Rosalie was erected, and this was the beginning of the city of Natchez.

36. Governor L’Epinay.—The numerous complaints made to Crozat from time to time, caused the removal of Cadillac. To the disappointment of Bienville and his friends, a new governor, L’Epinay (lā pē nā’), was sent over to take charge of the colony. After a few months of fruitless waiting for larger returns from the colony under the new governor, Crozat was convinced that Louisiana could not be made a source of wealth to him. In his disappointment he prayed for permission to surrender his charter to the regent of France, who granted the request (1717).

37. The Western Company.—On the day Crozat surrendered his charter, Louisiana affairs were discussed in the French Council of State, and it was resolved that inasmuch as colonizing such a country was too great an undertaking for any private individual, and was unbecoming the dignity of the king, it should be intrusted to a company. For this purpose the Western Company was formed at once. The

district of Illinois was separated from Canada and made a part of Louisiana, and the government of this vast region was given over to the control of the new company.

38. John Law and His Scheme.—The direction of the affairs of the new company was assumed by John Law, the originator of the scheme. His remarkable career is thus summed up by Hamilton: "Scotch gambler, outlaw from England, introducer of the game of faro, French banker, intimate of the notorious regent, the Duke of Orleans, head of the Mississippi Bubble,* outlaw again, then a wanderer on the face of the earth until his death. The life of this brilliant man reads like a romance." His company was given a charter for twenty-five years, and was expected to develop the agriculture of the colony. It made the fatal mistake, however, of trying to do in a few years what needed a century, and Law soon found it necessary to ignore sound business principles in order to keep pace with the spirit of speculation which he had aroused. Among the extraordinary privileges given to this company was authority to confer grants, levy troops, build and equip fleets, wage war against the natives, and make treaties with them, remove justices, and establish councils. The Western Company soon developed into the "Company of the Indies," and as such absorbed the rights of the Senegal, the Africa, the China, and the India companies. In 1718 it was united with the royal bank, and Law became the French minister of finance. Shares in this inflated company now sold for twenty times their original value, and Frenchmen read with eagerness the exaggerated accounts of the "fertile soil, the balmy air, and the golden sands" of far-away Louisiana. In 1720 the company failed to redeem its notes, the "Mis-

*For a good account of the "Mississippi Bubble," see Gayarré's *History of Louisiana*, Vol. I., pp. 191-233; Pickett's *History of Alabama*, Vol. I., Chapter VI.

Mississippi Bubble" burst, and Law fled from Paris under the cover of night. The company he had organized lasted ten years longer, and then went into bankruptcy.

39. Result of Law's Scheme.—Although Law's scheme caused the financial ruin of many wealthy and noble French families, it revived interest in Louisiana. It brought to our shores hundreds of colonists from France and Germany; it brought to our soil the orange from Hispaniola and the fig from Provence (*prō vōns'*); it added the culture of indigo to that of rice and tobacco; it supplied the demand



OLD FRENCH COPPER COINS

for money and for negro slaves; it established a settlement at New Orleans; it helped to colonize the fertile banks of the Mississippi; and it brought back the cap-

ital of Louisiana to a new Biloxi within the limits of the present State of Mississippi, near the site of the first capital. The colony prospered after the time of Law as it had never done before.

40. Government of the Colony.—Bienville was again made governor, much to the joy of the colonists. In order the better to control the commerce of the Mississippi, he selected the site of New Orleans for a new capital of the colony. This selection was opposed by the members of the company, one of whom preferred Natchez. To settle the matter peaceably, new Biloxi was agreed upon (§39), and this place was the capital from the close of 1720 to 1723, when it was changed to New Orleans.

Mobile continued to be the center of French influence in dealing with the Indians. Bienville attended annual Indian congresses at this place, where he feasted the friendly

natives and gave presents to them. By 1721 about one-third of the Indian warriors between Carolina and the Mississippi had been won over from the side of the English to that of the French. At that time Louisiana was divided into nine districts, three of which—Biloxi, Natchez, and Yazoo—were within the present limits of Mississippi. Each of these had one or more garrisons and trading-houses.

In 1724 Bienville issued the “Black Code,”* which was so called because the greater part of it related to the treatment of the negro slaves. It also contained clauses banishing Jews, and establishing the Catholic religion alone. Shortly afterwards he was recalled and Boisbriant was left in command until the arrival of Périer (pā'rē ā'), the newly appointed governor. Nothing in the administration of Périer demands attention, except the anxiety which the presence of English traders gave him and the troubles that resulted from his harsh policy in dealing with the natives.

41. English Encroachments.—In 1727 the new governor wrote that the English still persisted in carrying their trade into the very heart of the province. Notwithstanding the fact that he had given the natives orders to plunder the English traders, and had promised to pay them for so doing, sixty or seventy horses laden with merchandise had recently passed into the country of the Chicaksaws without being molested.

42. Terrible Massacre at Natchez.—The commander of the post at Natchez determined to move his forces from Fort Rosalie to the site of White Apple village, about twelve miles to the south. This village was occupied by some friendly Indians, who were commanded to leave it in order to make way for the French. The following ex-

*A copy of this code is given in the appendix to Gayarré's *History of Louisiana*, Vol. I.

tracts, written by a man living at that time in Louisiana, give a vivid account of the events that followed:

“The commandant sent for the ‘sun’ of that village, who made answer to his demands ‘that his ancestors had lived in that village for as many years as there were hairs in his double cue, and therefore it was good they should continue there.’ Scarcely had the interpreter explained this answer to the commandant, when the latter fell into a passion and threateningly told the sun that if he did not quit his village in a few days he might repent it. The sun replied: ‘When the French came to ask for land to settle on, they told us there was land enough still unoccupied for them, and that the same sun would enlighten them, and all would walk in the same path.’ The commandant replied that he was resolved to be obeyed.

“At a meeting of the Indian council to consider this matter, a most venerable man rose and delivered the following speech: ‘Before the French came among us we were *men*, content with what we had, and walked with boldness every path. Now we are groping about, afraid of meeting briars. We walk like slaves, which we shall soon be, since the French already treat us as if we were such. Shall we suffer them to multiply till we are no longer in a condition to oppose them? What will the other nations say of the Natchez, who are admitted to be



Indians and their Prisoner.

the greatest of all the red men? Let us set ourselves at liberty.' ”

A bloody plot was then laid with great secrecy, and in order to gain time the Indians bribed the French commander to allow them to remain until they had gathered their corn. Finally (October 28, 1729) they surprised the French, killing two hundred and fifty of them and carrying many of the women and children into slavery. The Indians then captured a large quantity of brandy and celebrated this bloody occasion by engaging in a drunken spree.*

43. Massacre at Fort St. Peter.—The success of the Natchez massacre encouraged the Yazoo Indians to attempt the destruction of Fort St. Peter on the Yazoo River near the present city of Vicksburg. The garrison consisted of a small body of men, all of whom were murdered (January 2, 1730). The families living near the fort were also murdered, only a few women and children being kept as slaves.

44. Destruction of the Natchez Nation.—Upon hearing of the massacre at Fort Rosalie, Governor P rier at once prepared to retake the fort and to free those who were held as captives. He sent against the enemy a strong force of French soldiers and Choctaw Indians, who began the attack at daybreak (January 27th). With a very slight loss the Choctaws captured eighteen prisoners, took sixty scalps, and rescued one hundred and sixty captives, one hundred and six of them being negro slaves. A month later the rest of the captives were surrendered, and the Natchez made their escape across the river into Louisiana. They were pursued and again attacked near Trinity River. After several fights a large number was captured and sold as slaves to the planters of San Domingo. Thus ended the existence of the Natchez Indians as a distinct nation.

*An interesting account of this massacre will be found in Pickett's *History of Alabama*, Vol. I., Chapter VII.

Summary

1. In 1713 Anthony Crozat assumed control of the colony of Louisiana in the vain hope of making a fortune by mining and trade.

2. In 1717 he surrendered the colony to the regent of France, who in turn granted it to the Western Company under the control of John Law.

3. The "Mississippi Bubble" burst after a short time, and though it resulted in the financial ruin of many Frenchmen, it gave a new impulse to the settlement of the colony.

4. Bienville, who again became governor, moved the capital of the colony to new Biloxi and then to New Orleans, and issued the celebrated "Black Code."

5. Under the administration of Governor Périer, Bienville's successor, the encroachments of traders from the English colonies became a source of concern, and the unjust way in which the Indians were treated resulted in a bloody massacre of the French at Natchez and at Fort St. Peter.

CHAPTER VI

UNDER ROYAL CONTROL (1731-1763)

45. Change of Government.—Scarcely had the cruelties of the Natchez massacre been avenged, when the colonial authorities discovered a darker war cloud gathering in another part of their territory. The company, discouraged by the outlook, prayed for permission to surrender its possessions to the crown. After some delay the petition was granted and Louisiana became a royal province in 1732. Bienville was again made governor, very much to the delight of the colonists. Upon coming into office in 1733, the new governor had the misfortune to inherit many of the bad results following the misrule of the governor who preceded him.

46. Indian Troubles.—Several influences hostile to the French were now at work among the Indians, particularly

among the Chickasaws. A remnant of the Natchez nation had fled to the warlike Chickasaws, who swore to protect them against their enemies. The cruelties of the French in their dealings with the captives taken in the war with the Natchez caused all of the Indians in the present State of Mississippi to sympathize with this unfortunate nation. At this time a Frenchman, having greatly wronged a chief of the Choctaws, helped to increase their hostility towards the little colony. English traders, always ready to arouse the Indians against the French, now became more numerous among the Chickasaws, and even found their way into the Choctaw nation. Upon the return of Bienville (1731), he found that both of these nations were under English influence.

47. Chickasaw War.—Bienville promptly began to make preparations to invade the country of the Chickasaws. He hoped to conquer them, and by a display of force cause other Indians to forsake the English. He got a promise of help from D'Artaguet (d'är tã gět'), a French officer in command of a post in Illinois, and secured the aid of all the Choctaws that could be induced to join the French.

On the first day of May, he held a final conference with the Choctaw chiefs, at which it was agreed that a large force of Choctaws should meet the French at the present site of Cotton Gin Port, on the Tombigbee River. The French reached this point May 22d, and after building a small fort, the combined forces of nearly twelve hundred French, negroes, and Choctaws entered upon their march against the Chickasaws.

48. Battle of Ackia.—The impatient Choctaws and some of the French officers induced Bienville to attack a Chickasaw town over which an English flag was floating, and within which there were several Englishmen, who helped in the defence. The battle that followed was very disastrous

to the French, as they received little aid from the Choctaws, who did more howling than fighting. After having sustained a great loss, the French withdrew with difficulty, and, fortunately for them, without being followed.

49. D'Artaguettes Expedition.—Upon his descent of the Tombigbee, Bienville heard of the calamity that had befallen the expedition from Illinois that had promised to aid him. D'Artaguettes left Fort Chartres (shärtr) at the appointed time with one hundred and forty Frenchmen, and about three hundred Indians. After arriving at Chickasaw Bluffs, near Memphis, he received a letter from Bienville, stating that he would not be able to reach the Chickasaw country before the last of April. The Indian troops were eager for the conflict, and in order to retain their aid, D'Artaguettes had to enter the enemy's country without delay. In the fight that followed his allies fled; nineteen Frenchmen were captured, fifteen of whom, including the wounded D'Artaguettes, were burned alive. More unfortunately still, D'Artaguettes's papers, containing Bienville's plans, were captured. This had enabled the Chickasaws, aided by the English traders, to win the battle of Ackia.

50. Bienville's Second Expedition Against the Chickasaws (1740).—Bienville saw that it was necessary to regain the reputation that had been lost by the failure of two successive expeditions. He therefore spent several years in preparing for another expedition against the Chickasaws. This time he reached the scene of conflict by way of the Mississippi. He did not gain a victory; yet the enemy, supposing a large army had invaded their country, sued for peace, promising to expel the English traders and to remain true to the French. These terms were gladly accepted, and the French withdrew.

51. Bienville's Retirement.—Bienville was greatly disappointed over the results of the Chickasaw War and over the

harsh criticisms of his administration, and voluntarily retired to private life, at the age of sixty-five. While awaiting the arrival of his successor he spent the time lessening the difficulties attached to the office which he was to give up. He then went to France, where he lived to the advanced age of ninety, never forgetting for a moment the colony to which he had devoted forty years of his vigorous manhood. For many years the familiar form of a decrepit old man was the first to go on board the vessels that landed in France from the shores of Louisiana. This was the aged Bienville seeking for tidings from his beloved colony. We are told that to the time of his death he grieved over its misfortunes and exulted in its triumphs and prosperity.

52. English Settlers from Georgia.—According to the charter under which Georgia was settled (1732), it embraced a large portion of the present State of Mississippi. In 1733 the governor of Georgia made treaties with the Chickasaws and some of the Choctaws. As a result of these treaties it was no longer necessary for English traders to make the tedious journey over the Carolina mountains in order to trade with the Indians of the Mississippi Valley, since they could take a more southerly route and avoid the mountains altogether. When the number of English traders increased, the French again became alarmed about the safety of their colony and the success of the Indian trade.

53. Administration of Governor Vaudreuil (1743-1753).—Governor Vaudreuil (vō drē'yŭh) reached the colony in 1743. His administration contains little of interest. The year after his arrival, a census was taken, which showed that the colony had four thousand white inhabitants and two thousand negro slaves. At this time Pascagoula contained only ten white males and fifteen negroes. The population of Biloxi, Pass Christian, and Bay St. Louis is not given. Prosperity had at length begun to dawn upon the

colony. Wealth increased with the development of agriculture and commerce. The Chickasaws were still troublesome. They renewed their alliance with the English, and Vaudreuil determined to invade their country (1753). In purpose, route, methods, and results this expedition was almost identical with that made by Bienville in his first attack on this same foe, sixteen years previously.

54. Administration of Governor Kerlerec (1753-1763).—

Shortly after Governor Kerlerec (kêr'lê rěk) entered upon the duties of his office, he found it necessary to protect his colony against English vessels that were harassing the coast. In 1756 England formally declared war against France. A fleet of English privateers then blockaded the passes at the mouth of the Mississippi and cut off communications with France for a period of three years.

55. The Seven Years' War (1756-1763).—The inhabitants of Louisiana suffered little from the Seven Years' War between England and France for the control of North America. The principal part of the fighting was done near the border of Canada, where the French and the English colonies were strongest and in closest contact. Spain entered into the struggle against England, her old enemy. At the end of the war England held Quebec, Montreal, Fort Duquesne (dū kăn'), and all the other French strongholds in America. As France could no longer continue the struggle, she was forced to accept the hard terms made by her conqueror; and a treaty of peace was signed at Paris (June 1, 1763).

56. France Driven Out of North America (1763).—At the end of this war France divided her North American possessions between England and Spain. England received Canada and that part of the present territory of the United States which she claimed east of the Mississippi, with the exception of the "Isle of Orleans." This "island" lies

between the Mississippi on the one side, and the Manchac, Lakes Maurepas and Pontchartrain and the Rigolets on the other. Spain surrendered the Floridas to England in exchange for Cuba, which had been captured by the English in the war. The "Isle of Orleans" and all of the French territory west of the Mississippi was given to Spain to pay her for the losses she had sustained in her efforts to help France.

France thus lost possession of the territory of the present State of Mississippi sixty-four years after the date of her first settlement within its borders. This brings us to another epoch in the history of the State.

Summary

1. The harsh treatment that the Natchez tribe had received at the hands of the French enlisted the sympathy of the other Indians and helped the English to gain influence among the Indians. Bienville forced a war on the Chicksaws to regain control of them.

2. Three expeditions were sent against the Chickasaws. The first and third ascended the Tombigbee River and attacked the enemy with results that were very disastrous to the French; the second ascended the Mississippi and made a treaty with the enemy without conquering them.

3. Bienville retired to private life and spent his declining years in France, never forgetting the colony to which he had devoted forty years of his vigorous manhood.

4. The English became more troublesome to the colony through the activity of their traders among the Indians and of their vessels at the mouths of the Mississippi River.

5. The disastrous results of the Seven Years' War drove France out of North America (1763) and divided her possessions between England and Spain, the former getting Florida among the other additions to her territory.

EPOCH III

UNDER ENGLISH RULE (1763-1781)

CHAPTER VII

EARLY GOVERNMENT OF THE COLONY (1763-1771)

57. Establishment of West Florida.—By a royal proclamation of October 7, 1763, the newly acquired English possessions on the Gulf were divided into the provinces of East Florida and West Florida. The latter of these embraced all of the English possessions between the Appalachicola (ăp pā lăch ĭ kō'lä) and the Mississippi rivers and south of the thirty-first parallel. The year following this proclamation, representations were made to the king that there were a large number of settlements on the Mississippi north of the thirty-first parallel, which should be included in West Florida. He extended the northern boundary of this province to a line running due east from the mouth of the Yazoo River, which is in latitude $32^{\circ} 28'$ north.*

58. District of Illinois.—Although a large part of the present State of Mississippi was in the province of West Florida, more than half of it was in the district of Illinois,

*To be explicit, the province of West Florida embraced the territory bounded on the north by latitude $32^{\circ} 28'$, on the east by the Chattahoochie and the Appalachicola rivers; on the south by the Gulf, Lakes Borgne, Pontchartrain, and Maurepas, the Amite and the Iberville rivers; and on the west by the Mississippi from the Iberville to the Yazoo. May 15, 1767, the northern boundary of the province was extended to latitude $32^{\circ} 30'$, the other boundaries being left unchanged.

which was not open to white settlement. The governors of the other English colonies were expressly forbidden by the king to make any grants of land between West Florida and the Great Lakes. By this order the king disregarded the charter rights of some of the older colonies, to which this territory had already been granted, and by so doing gave cause for future trouble (§119). During the entire period of English occupation that part of Mississippi north of latitude $32^{\circ} 30'$ was uninhabited by white men, excepting a few traders, who lived among the Chickasaws.

59. Early Governors.—The first governor of West Florida was Captain George Johnstone of the royal navy. He reached the colony early in 1764, and promptly began to organize the government in accordance with the laws of England, and to occupy the forts with British soldiers. For Condé (kõn dã'), at Mobile, he changed to Fort Charlotte in honor of the Queen of England, and Fort Rosalie to Panmure, in honor of a minister of George III. He built a fort at Manchac, which he named Fort Bute (bûte) in honor of another minister of the king of England. Governor Johnstone left the colony (1768) because the inhabitants had become very much dissatisfied with him. The rule of Governor Montford Browne, Governor Johnstone's successor, was stormy, and he likewise left the province to become governor of the Bahamas. He was succeeded by Acting-Governor Elias Durnford (1770). It is doubtful whether Governor Eliot, who was made chief executive, ever reached the province alive, it being thought by some writers that he committed suicide.

60. Dissatisfaction Among the French and Indians of West Florida.—When West Florida passed into the possession of England, many of the French living within its limits determined to migrate into French territory. Some of them afterwards changed their purpose, because they were

assured that their religious, political, and property rights would be respected by the new government, and others, because the territory into which they had expected to move passed into the possession of Spain. At first only three months were given the French in which to emigrate from West Florida or take the oath of allegiance to the king of England. This time was extended so as to comply with the Treaty of Paris, which provided that eighteen months should be allowed for this purpose. At one time it seemed that so many of the French would leave the country that it was a cause of anxiety to the British, who made more than one effort to induce them to move from Louisiana into the colony.

Many of the Indians were at first as much opposed to this change of government as were the French themselves. This probably accounts for the migration of the Biloxis and the Pascagoulas to Louisiana (1764), and it certainly explains the hostility of the Tunicas (§61). The Tensas and part of the Alabamas also left their old homes in the present State of Alabama and crossed the Mississippi because of their attachment to the French. In 1764 a great congress of all the Indian tribes living south of the Ohio River was held at Mobile. It was attended by two thousand natives, and resulted in an alliance with all but a few Choctaws and Creeks.

61. Expedition of Major Loftus.—In 1764 Major Loftus, who had been appointed to take charge of the Illinois country, began to ascend the Mississippi River with four hundred men. In a narrow channel of the river near the mouth of the Red River, his party was fired upon from ambush by some Tunica Indians, who killed five and wounded four of the men. The surviving members returned to Mobile. The point of the river where this dis-

aster occurred was afterwards known as "Loftus Heights." Fort Adams was afterwards built at this place.

62. Improvements Under the English.—Although the British had a right by the Treaty of Paris to enter the Mississippi through its mouth, they preferred to avoid New Orleans, and to use the lake route along the border of their new possessions in going to and from the settlements on the Mississippi River. They promptly built a fort to protect this passage and to watch the Spanish. This was the origin of Fort Bute, to which reference has already been made. Fort Panmure was built on the site of old Fort Rosalie.

The English set to work with their characteristic promptness and energy to make other improvements in their new possessions. In two months they expended upwards of five thousand dollars in vain efforts to remove obstructions to the passage of boats through the Iberville. If they could have made this small stream navigable, they might have succeeded in one of their cherished plans—namely, to turn at least part of the trade of the great Mississippi Valley from New Orleans to Mobile. They were more successful in their numerous efforts to improve the forts and buildings in Mobile and other places.

63. Trade.—The English finally won the esteem of the Indians by improvements in the law of the country and by the regulation of trade. Shortly after they took possession of West Florida a local trader in Mobile was imprisoned upon a charge of selling a Choctaw a cracked brass kettle, and a white man was found guilty of murdering an Indian, and was punished. A low scale of prices was made for articles sold the Indians, and traders were required to give bond in order to obtain license to trade.

Goods were carried in canoes or on pack-horses. The exports were obtained principally from the Indians, and

were greater in variety than in volume. The two most important articles were indigo and hides. Besides these, the following articles were also exported from the colony

in 1772: Corn, rice, tobacco, myrtle, wax, pecans, oranges, sassafras, timber, lumber, staves, hoops, tar and pitch, bear's oil, dried saltfish, cattle, tallow, and salted wild beef. After the failure to make the Iberville navigable, Governor Browne urged in vain the building of a road from Natchez to Mobile in order to cut off the Indian trade that was going down the Mississippi to the Spanish city of New Orleans.

64. Land Grants.—

The royal proclamation of October 7, 1763, authorized the granting of land to settlers, in tracts suited to their means of cultivation. Officers of the army and navy who would actually live in the colony were to be given grants varying from two hundred to five thousand acres, according to their rank, and privates were to receive,



SEAL OF THE PROVINCE OF WEST FLORIDA
(Affixed to Land Grants)

ed to their means of cultivation.

Officers of the army and navy who would actually live in the colony were to be given grants varying from two hundred to five thousand acres, according to their rank, and privates were to receive,

under the same conditions, sixty acres. No one was allowed to acquire land by purchase or grant from the Indians. According to the terms of these grants, an annual tax of one penny (about two cents) an acre was exacted by the king, and three acres out of every fifty had to be cleared within a stated period.

65. Other Efforts to Attract Immigration.—In order to induce settlers to accept these liberal terms upon which grants were made, Governor Johnstone issued a glowing description of West Florida. He dwelt at length upon the agricultural and commercial advantages of the country, and prophesied that our cities would become as great in trade as had Tyre, Sidon, Amsterdam, Venice, Genoa, and other great cities. "On the whole," said he, "whether we regard the situation or the climate, West Florida bids fair to be the emporium as well as the most pleasant part of the New World." Several books, relating to the geography of the country, its natives, its plants, and its animals, were published.

66. The New Government.—At Pensacola, the capital, a superior council was established for the double purpose of advising the governor and of serving as a judicial tribunal. Magistrates were appointed in different parts of the province for the trial of minor cases, but all important cases were tried before the superior council. When a man living on the Mississippi was accused of a crime or had an important case to be tried, he was put to the great inconvenience of going to Pensacola in order to appear before the proper tribunal. The first representative assembly in West Florida was called by Governor Johnstone, with the advice of his council, to meet at Pensacola in 1766. Five other assemblies were held at the same place within the next twelve years.

67. A New Order of Things.—The English established in

this country a new order of things. New laws were made and new courts were created. The gay, adventurous French gave way to the thrifty, industrious English. The great forests along the Mississippi, which up to this time had not surrendered a foot of their territory, nor yielded a penny of their great wealth, soon began to disappear before the axe of the American and English settler. Chivalry was displaced by industry, and adventure by home-seeking.

Summary

1. In 1763 Great Britain organized her territory between the Mississippi and the Chattahoochie into the colony of West Florida, with latitude 31 degrees as its northern boundary, which was afterwards extended to latitude 32° 28' and finally to 32° 30'.

2. The territory north of West Florida was called the District of Illinois, from which all white settlers were excluded.

3. There was great dissatisfaction among the French and Indians of West Florida over the change in the government of the colony, and many of them moved west of the Mississippi and south of the Manchac. The Tunicas fired with fatal results upon a body of English who were ascending the Mississippi under the command of Major Loftus.

4. The English began promptly to make improvements at several points, and to conciliate the natives by just treatment and by a wholesome regulation of trade.

5. Immigrants were attracted by liberal grants and by glowing descriptions of the country and exaggerated accounts of its commercial possibilities.

6. By an objectionable regulation the inhabitants from all parts of the colony were put to the great inconvenience of going to Pensacola, the capital, in order to reach a tribunal authorized to decide cases of importance.

CHAPTER VIII

WEST FLORIDA UNDER GOVERNOR CHESTER (1771-1781)

68. Administration of Governor Chester.—Governor Browne, having been made governor of the Bahamas, was succeeded (1770) by Peter Chester. In 1772 writs were issued ordering an election of representatives to a legislative assembly; but instead of electing representatives for three years, according to a requirement of the writs, the citizens added to their votes the condition that the elected members were to serve only one year. The governor declined to accept this condition, and the citizens of the colony preferred to remain without an assembly rather than be deprived of annual elections. After the lapse of six years the governor found it necessary to convene a new assembly.

69. Politics in West Florida During the Revolution.—The interest of the student of history is so much absorbed by what happened at Bunker Hill, Lexington, Philadelphia, Valley Forge, and a long list of other places, made famous by the events of the Revolution, that he is apt to forget that there were other British colonies besides those on the Atlantic coast. All of the southern colonies except East and West Florida deposed their royal governors shortly after the outbreak of the Revolution. In West Florida Gov. Chester still presided over his council, though he had refused to call an assembly for the six years preceding 1778. An assembly was finally called only because it was needed to pass bills regulating the militia and the Indian trade. This "cantankarous body," as Chester called it, proved to be as independent as some of those in the thirteen colonies. The members quarreled over the fact that some parts of the colony were not represented, until the session had lasted thirty-four days without passing the bills desired. After

preparing a petition, in which they presented their grievances to the "King's Majesty in Council," they adjourned never to meet again. This was the last assembly held in the colony while it was under British rule. It is said that in 1778 two American agents carried the Declaration of Independence to Mobile for distribution. As this document was then contraband of war, one of these agents was imprisoned and put in irons until exchanged in the following year.*

70. Effects of the Revolution Upon the Settlement of West Florida.—As the colony was still small and far removed from the scenes of conflict, and was struggling with the hardships of frontier life, it was not expected to take any active part in the Revolutionary War. The colony was very much benefited by the war. The Tories driven from Georgia and the Carolinas were the first white settlers in the eastern part of the present State of Mississippi. They met with a cordial welcome from Governor Chester and his council. Settlements along the Mississippi increased more rapidly than in any other part of the colony. In 1773 there were only thirty-three settlements on the eastern bank of the Mississippi between Natchez and the present State of Louisiana. We are told that in 1776 the town of Natchez consisted of "only ten log houses and two frame houses, all situated under the bluff. . . . About seventy-eight families, scattered in different settlements, constituted the whole population of the district, few of which had immigrated to the country previous to 1772." There were four small stores in the town. Previous to 1778 West Florida was divided into two districts—Pensacola and Mobile—the latter of which embraced all of the present State of Mississippi. By this time that part of the colony

*A fuller treatment of this subject will be found in Hamilton's *Colonial Mobile*, chapter XXX.

along the Mississippi had increased so much in population that it was separated from the District of Mobile, and made into the District of Manchac and the District of Natchez. These two newly created districts contained a greater number of respectable, wealthy planters and settlers than either of the other districts.

71. Expedition of James Willing.—In 1778 James Willing, who had formerly been a merchant at Natchez, was sent down the Mississippi by Congress in order to induce the English settlements along its bank to remain neutral during the war, and to procure military stores at New Orleans. Messages having been sent in advance to the settlers, many of them met him at different points and cheerfully took the oath to remain neutral. He was especially welcomed at Natchez, his former home. After leaving this place, however, he robbed the homes of some of the most wealthy and influential citizens of the district, among whom were Sir William Dunbar and Colonel Anthony Hutchins. From the home of the former he carried away property to the value of about \$1,000, and from that of the latter twelve valuable slaves, besides plate, money, and other things of value. After robbing some of the other inhabitants, he went to New Orleans, carrying Colonel Hutchins as a prisoner. On his way down the Mississippi he captured an armed English ship at Manchac, and carried it to New Orleans, where he sold it and wasted the money.

72. Relief Attempted (1779).—After Willing's expedition Captain Michael Jackson was placed in charge of a company of soldiers at Fort Panmure, in order to protect the inhabitants against future robberies. He was a horse-thief, and had been driven from the borders of civilization. His conduct soon led to his arrest and imprisonment, Captain Thaddeus Lyman being placed in command of the fort. Jackson again secured possession of the fortification

through treachery, but was again forced to retire, after having robbed the fort of all the valuables he could carry away.

73. Spanish Conquest of West Florida (1779 to 1781).—

On August 19, 1779, the Spanish officers at New Orleans recognized the independence of the thirteen colonies, and began hostilities against England. Galvez (gäl'vēth), the newly appointed governor of the Spanish province of Louisiana, immediately after taking the oath of office (September, 1779), prepared for an attack on the English forts along the Mississippi. After capturing Fort Bute he made a vigorous assault upon Baton Rouge (băt'ün rōōzh), which was defended by Liëutenant-Colonel Dickson with a force about one-third as large as that of Galvez. After an engagement of three hours, the Spaniards were victorious, and the English commander surrendered all the posts in the Districts of Manchac and Natchez, and retired with full honors of war. Thus all that part of Mississippi west of the Pearl River passed under the Spanish flag. A year later Mobile fell, and the rest of what is now the State of Mississippi was conquered. With the fall of Pensacola, the capital, in 1781, the conquest of West Florida was completed. Although Spain was not in alliance with the colonies, her agent had notified General Washington of the intended invasion before it took place.

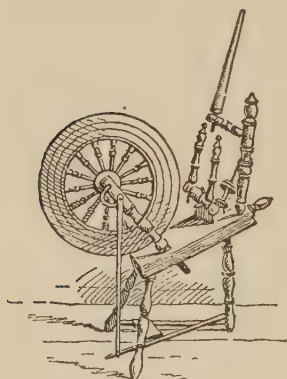
74. A Revolt Against the Spaniards.—Shortly before the fall of Pensacola the English commander at that place, General Campbell, agreed to a plan formed by the inhabitants of the Natchez District for the seizure of Fort Panmure, and promised to send troops to their support. A British fleet was said to be off the coast with orders to reconquer the country. Upon the arrival of a Choctaw chief and fifty of his warriors to aid the inhabitants, they boldly unfurled the English flag in full view of the fort

(April 28, 1782). After some bloodshed they got possession of the fort through strategy, the Spanish soldiers being allowed to withdraw to Baton Rouge. A courier then arrived at Natchez, bringing the sad news of the fall of Pensacola and the surrender of the whole of West Florida to the hated Spaniards. What had been thought to be a British fleet was, in fact, a Spanish fleet with reinforcements from Havana.

Upon the receipt of this news the settlers immediately abandoned the fort. The leaders, knowing that they would be severely punished by the Spaniards, sought safety in flight. One party, numbering over a hundred men, women, children, and slaves, started for the British posts in Georgia and the Carolinas. Their journey of one hundred and forty-nine days through the vast wilderness and over the wild prairies was one of the most intense suffering. Tormented by hunger and by thirst, and weakened by exposure and by travel, even the men of the party more than once threw themselves on the ground to die. The account of this terrible flight forms one of the darkest pages in the history of the State.

75. Life of the People.—The English were the first to cultivate the soil successfully in Mississippi. Their efforts were directed almost entirely to the raising of products for home consumption, and they cultivated only a few of the many acres they owned. Rice, corn, wheat, oats, rye, potatoes, cotton, flax, and tobacco were raised along the Mississippi in small quantities, and rarely, if at all, for exportation. Probably the most profitable industry at that time was the raising of indigo seed, which was sold for about forty dollars a barrel to the more wealthy planters, who were able to buy the machinery necessary for manufacturing the dye on a profitable scale. Tobacco was raised, but in smaller quantities than in later years. The settlers

owned large numbers of cattle and hogs, which required little attention, except protection from the bear and wolf. Because of the difficulty of obtaining iron, agricultural implements were few and imperfect. Nails sold for a dollar a pound. Iron was seldom used in making wagons or carts. Wheels were generally made by sawing cross sections a few inches thick from a log of sufficient diameter. Many of the wealthiest families in the country used pewter plates and spoons which they made in their own moulds. They raised the flax from which thread and cloth were made. Cotton was cultivated only in quantities sufficient for home use.*



FLAX WHEEL

Summary

1. In Governor Chester's administration trouble having arisen over the election of representatives, there was no meeting of an assembly for the six years preceding 1778, and, when an assembly was finally chosen it held a stormy session of thirty-four days without passing the bills desired by the governor.

2. As early as 1778 there were a greater number of respectable, wealthy planters along the Mississippi and the Manchac than in any other part of the colony of West Florida.

3. In 1778 Captain James Willing plundered the homes of several wealthy planters along the Mississippi and otherwise maltreated them.

4. Spain declared war against Great Britain in 1779, and a force under Galvez conquered the entire province of West Florida within the two years following.

5. The inhabitants of the Natchez District revolted against the Spaniards in 1782, but were unsuccessful and many of their leaders sought safety in flight.

6. The English were the first to cultivate the soil successfully in Mississippi, but at first they raised crops entirely for home use

*See Waile's *Agriculture and Geology of Mississippi*, pp. 127-131

EPOCH IV

SPANISH RULE (1781-1798)

CHAPTER IX

THE GOVERNMENT AND ITS TROUBLES

76. A Diplomatic Struggle.—At the end of the Revolutionary War the possession of the Mississippi Valley became a bone of contention among the powers. Spain held West Florida by right of conquest. She was ambitious to get possession of all the territory west of the Alleghanies and thus to “coop up” the United States between those mountains and the Atlantic. France partly supported her, and proposed a western boundary line of the United States that would have made Mississippi a Spanish province. On the other hand, England was anxious to recover West Florida, and was willing to recognize the Mississippi as the western boundary of the United States. The English and American commissioners entered into a secret bargain. They agreed that, if England succeeded in regaining West Florida, they would recognize this territory as having the same northern boundary ($32^{\circ} 30'$) that it had at the time of the Spanish conquest; but, if Spain declined to return it, they would insist upon the first northern boundary (31°), which was established by the proclamation of 1763. In either case all of the country lying along the northern boundary of the two Floridas was to belong to the United States. As Spain refused to give up West Florida, England, by the Treaty of Paris, recognized the independence of the thirteen colonies, with the thirty-first degree as their southern boundary between the Mississippi and the Chattahoochee.

Spain was, however, in possession of the country as far north as $32^{\circ} 30'$, and for a period of twelve years (until 1795) she refused to recognize the boundary established by this treaty. Finally she yielded the point at issue in order to get herself out of other troubles, but she still hoped to hold the country by intrigue. Failing in this hope she unwillingly withdrew from that part of Mississippi north of the thirty-first degree (1798). These facts have been given at some length, because they not only largely determined the course of Mississippi history, but filled the annals of this period with cunning plots to make a large section of the most valuable portion of the State a part of the Spanish possessions in the New World. From 1783 to 1798 the United States considered Spain as an intruder in that part of Mississippi which lies north of latitude 31° .*

77. Character of Spanish Rule.—Very much to the surprise of the colonists, the Spanish rule was mild and liberal. Natchez was the capital of what was known as the Natchez District, which embraced the greater part of the settlements on the Mississippi above the limits of the present State of Louisiana. The commandant, or governor, at Natchez was supreme throughout the district in matters political and military. He was supreme judge, notary, and keeper of deeds and records. He appointed all the inferior officers, and had control of the militia.

The policy of the Spanish officials was to encourage immigration into their territory, but to discourage trade with the inhabitants of the United States. The British subjects that desired to leave the country were given more than two years in which to dispose of their property, instead of eighteen months, as agreed upon in the treaty with England. The ease with which lands were secured by settlers and the

*An interesting discussion of this subject may be found in Hinsdale's *Old Northwest*, pp. 162-192.

fertility of the soil attracted a large number of them from the United States. No taxes were collected and no military services required of the inhabitants. In order to keep down trade with the United States, the Spanish officials captured and sold the boats and cargoes that were found on the Mississippi from Tennessee and Kentucky and other western territories. Legal troubles were settled at little cost, as the usual mode of disposing of such matters was to get the commandant to appoint some of the best citizens in the country to decide these matters. More than once in time of general disaster, the embarrassment of the debtor class was relieved by passing "stay laws," which extended the time of the payment of debts, thus preventing the forced sale of the property of many of the inhabitants.

78. Increase of Population.—For twelve years after the signing of the Treaty of Paris, Spain refused to recognize the thirty-first degree as the southern boundary of the United States, but it was confidently expected that sooner or later she would be forced to do so. This expectation gave an impetus to immigration into the Natchez District. Sir William Dunbar, who lived near Baton Rouge at that time (1783), wrote to a friend in Philadelphia: "I am sorry to say that our plantation falls considerably *without* the American line, *in consequence of which* it may not be worth a *pinch of snuff* as a salable commodity. . . . As Natchez is considerably above thirty-one degrees, we believe here that it must soon become a settlement of great consequence." He was so firmly convinced of the great advantage that the country would derive from this change, which he believed was certain to take place, that in a short time he moved into the Natchez District. Many others did likewise, and in three years the population of the Natchez District increased from 1,500 to 2,679 persons.

79. Relations with the Indians.—The natives were

naturally hostile to the United States, for that government plainly desired to occupy their lands. The Spaniards, on the contrary, tried in every way to keep their friendship. Numerous councils were held, bribes and presents given, and firearms furnished. The Indians were induced to have no dealings except with Spanish traders. By this means New Orleans, Natchez, Mobile, and Pensacola became centers of Indian trade. The Spanish government feared the United States, and for this reason was forced to rely on the Indians for aid in the coming conflict between the two countries. Spanish envoys were sent not only among the Choctaws and Chickasaws, but among the other tribes of Mississippi. These envoys, while declaring that they were trying to keep the Indians at peace, were really inciting them to war.

80. Trouble with Georgia.—Georgia claimed that all the territory held by the Spaniards north of latitude 31° and east of the Mississippi was within her limits. By an act of the Legislature of Georgia the county of "Bourbon" was created (1785); it embraced the settlements on the Mississippi above and below Natchez, and included the present counties of Warren, Claiborne, Jefferson, Adams, Wilkinson, and Amite. This act also provided for carrying out the laws and for the sale of land at not more than twenty-five cents an acre. Three years later (1788) the Legislature of Georgia passed an act giving this territory over to the United States upon certain terms, which were not accepted by Congress. Colonel Thomas Green, in behalf of the State of Georgia, demanded the surrender of the country, but his demand was treated with contempt, and at the first opportunity he was placed in confinement by the Spaniards. Georgia then tried another method of asserting her claim to this territory.

81. Land Companies.—With the spread of immigration

to the westward at the close of the Revolutionary War, many companies were organized for the purpose of buying and selling land. The most notable of these were connected with what was known as the Yazoo lands, of central and northern Mississippi and Alabama. These lands were very attractive to the speculator, as they could be bought cheaply on account of the uncertain title to them. Although they were held by the natives under the protection of the Spanish government, they were claimed by Georgia and the United States. The Virginia Company, having among its members Patrick Henry, secured a grant of nearly 20,000 square miles. The Tennessee Company secured a similar grant and organized a body of men under Zachariah Cox, who more than once tried to take possession of the grant. The South Carolina Yazoo Company purchased over 15,000 square miles of land in the present States of Mississippi and Alabama for about four dollars and a half a square mile. It organized a body of troops known as the "Yazoo Battalion," which consisted of over five hundred men, all of whom were to be paid in land. This force was preparing to invade the country, when the Federal Government, having had its attention called to the matter by the Spanish authorities, put a stop to the scheme.

When it became known that Spain had yielded to the United States her claim to the Yazoo country (1795), other companies were organized. They obtained from the Georgia legislature grants to the amount of over 30,000,000 acres, for which they paid less than two cents an acre. The most corrupt methods were used in order to secure the passage of these grants by the legislature. Every member of that body who supported them was, with one exception, a stockholder in some one of the companies. The indignation of the people of the State was so aroused that at the next meeting of the legislature, the year following, the acts

were all repealed, and the records of the disgraceful transaction were piled in front of the State House and destroyed by a fire kindled from the rays of the sun by the use of a convex lense.*

82. Commandants.—Don Estevan Miro (ěs tā'văn mē'rō) (1782); Don Pedro Piernas (pā'drō peer nas') (1782-



"CONCORD," HOME OF SOME OF THE SPANISH GOVERNORS.

1783); Francisco Collett (frăn thēs'ko kōl'let) (1783); Don Philip Trevino (trā vē'nō) (1783-1785); Don Francis Bouigny (boo lîn'yā) (1785-1786); Don Carlos de Grand Pré (cār'lōs dā gränd prā) (1786-1792); Don Manuel Gayoso de Lemos (măn ū el' gē yō'sō dā lă'mōs) (1792-1798); Don Stephen Minor (1798).

* Read Haskins' *Yazoo Land Companies*, in the *Papers of the American Historical Association* for October, 1891; also, Sparks' (W. H.) *Memories of Fifty Years*.

Summary

1. By the Treaty of Paris (1783) England recognized 31° as the southern boundary of the United States, but Spain ignored this provision of the treaty and held the Natchez District until 1798.

2. The general policy of the Spaniards was to encourage immigration from the United States, but to discourage trade with citizens of that country.

3. The Spaniards cultivated the friendship of the natives, whom they finally incited to war against the United States.

4. Georgia asserted her claim to the northern part of West Florida, first by creating the county of Bourbon and then by selling a greater part of the territory to land companies.

5. Some of the land companies, particularly the Tennessee and the South Carolina companies, made efforts to invade the country in order to seize by force the lands they had bought.

CHAPTER X

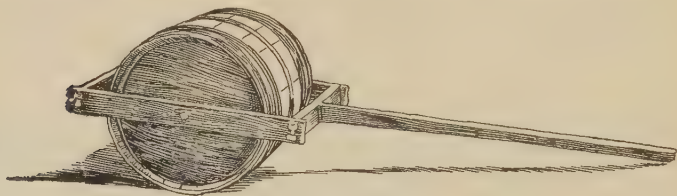
OCCUPATIONS DURING THE SPANISH PERIOD

83. Tobacco Culture.—When the country passed under Spanish control, a market for the agricultural products of the Natchez District was for the first time opened at New Orleans. Attention was then directed to the raising of products for sale. The cultivation of tobacco was encouraged by the Spanish government, and the planters were paid ten dollars a hundred pounds for all of it that passed inspection at the king's warehouse. An acre of land produced from fifteen hundred to two thousand pounds. Under this system the country began to prosper. In order to increase the output of tobacco a large number of slaves was introduced,



THE TOBACCO PLANT

and more land was put into cultivation. The larger planters packed their tobacco in hogsheads. As roads were bad and wagons and carts few, hogsheads were frequently harnessed to horses by means of shafts or poles attached to



TOBACCO HOGSHEAD

the hogsheads by bolts driven into the heads, and thus rolled off to market. Tobacco was prepared for market in smaller quantities by wrapping it with the inner bark of the basswood, which at that time was very common.*

84. General Wilkinson and the Spaniards.—In 1787 General Wilkinson went down the Mississippi from Louisville to New Orleans with a flatboat loaded with tobacco, flour, bacon, etc., which he sold at a great profit. He then entered into an agreement with Governor Miro, who gave him some special privileges, such as supplying the Mexican market with tobacco, and storing it in the king's store at New Orleans. These privileges were very hurtful to the agricultural interests of the Natchez District on account of the superior quality of the tobacco raised in Kentucky. In a short time the price of the tobacco raised by the planters of Mississippi was so much reduced that the culture of it was abandoned.

85. Indigo Culture.—Indigo next became the staple agricultural product of the Natchez District. This plant was now cultivated for the dye as well as for the seed, each

* For further information on this subject, see Waile's *Agriculture and Geology of Mississippi*, pp. 127-181.

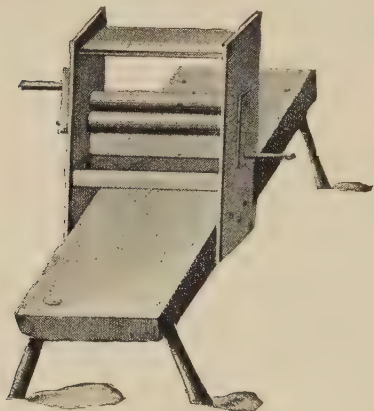
workman raising annually enough to make about one hundred and fifty pounds of the former, for which he received from one dollar and a half to two dollars a pound. Owing to the disagreeableness of manufacturing the dye and the ravages of an insect on the plant, the culture of it was soon abandoned (1795) for the cultivation of cotton, which has since remained the staple product of Mississippi.

86. Cotton Culture.—Cotton was probably introduced into the Mississippi Valley by the French colonists from San Domingo. Charlevoix (chär lëh vwä') saw cotton growing in a garden at Natchez in 1722, and Bienville mentioned the profitable cultivation of the same product in Louisiana in 1735.* Many varieties of cotton have been cultivated in the State, the most important being the Upland, the Tennessee green seed, and the Mexican. The first variety has a smooth, black, naked seed. The staple of the second variety was difficult to gather; yet for a few years it took the place of the first, because it was free from the rot. Walter Burling of Natchez greatly aided cotton culture in Mississippi. While dining with the viceroy of Mexico (1806), he requested in the midst of their conversation permission to import some of the Mexican cotton seed into the United States. The request was declined on the ground that it was forbidden by the Spanish government, but the viceroy humorously granted his guest permission to take home with him as many *Mexican dolls* as he might desire. This offer was promptly accepted by Mr. Burling, who returned to Natchez with the dolls stuffed with the cotton seed he desired.

87. Cotton Gins in Mississippi.—The small roller gin was the first machine used to separate the lint from the seed. It consisted of two rollers, less than an inch in diameter,

* See Waile's *Agriculture and Geology of Mississippi*.

and about eight inches long. They were attached to a

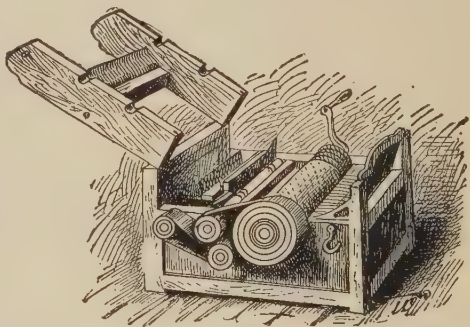


PRIMITIVE ROLLER GIN

frame and made to revolve in opposite directions. In order to run the machinery two boys sat face to face, each turning a crank attached to a roller, and one feeding the roller with seed cotton, while the other pulled the lint through, leaving the seed to fall below. An improvement was made by the use of a treadle worked by the foot for revolving the rollers, thereby leaving both

hands of the operator free to attend to the cotton. Until the introduction of the Whitney gin the small hand gins could be found in nearly every planter's house, and for many years after could be seen on the small farms in the interior, where cotton was raised only for home consumption.

Before the close of the period of Spanish rule the invention of a new gin gave new life



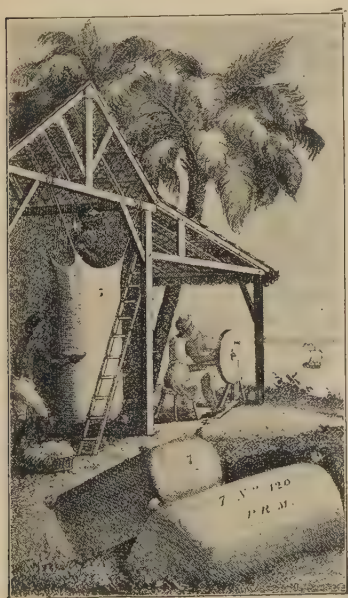
WHITNEY'S GIN

to the raising of cotton. This celebrated invention of Eli Whitney was introduced into Georgia in 1794. The year following, a negro mechanic belonging to Mr. Daniel

Clarke, who lived near Fort Adams, Mississippi, made a very good gin from a rude drawing and an imperfect description obtained from a traveler who had seen Whitney's gin in Georgia. Within the next three years several gins were made in Mississippi. They were run almost entirely by horse or water power. So tedious had been the process of separating the lint from the seed, that probably not more than three bags of cotton were exported from Mississippi before the invention of the Whitney gin. This ship-

ment was made by Mr. William Vousdan, who lived on Second Creek, a few miles below Natchez.

88. Effect of the Invention of Whitney's Gin.—In 1797 Sir William Dunbar, who at that time lived near Natchez, wrote that cotton was then the universal crop of the Natchez District. David Greenleaf, one of the first manufacturers of gins in Mississippi, began this work near Natchez (1796). Cotton culture increased so rapidly along the Mississippi River that some of the gins were kept constantly busy for several years. The receipts which the ginner gave to



COTTON GIN (1764)

the planters took the place of paper money, and were received by merchants for the purchase of goods. Seed cotton sold readily for five dollars a hundred pounds.

89. The Screw Press.—Cotton was first prepared for

market by packing it in bags. Later it was packed in wooden boxes by means of levers. Sir William Dunbar conceived the idea of packing it in square bales, and displacing the lever by a cast-iron screw, which he ordered from Philadelphia (1799). David Greenleaf, who substituted wooden for iron screws, gave this idea a more practical form.

90. Cotton Seed.—With the increased production of cotton after Whitney's invention, the cotton seed came to be regarded as a great nuisance. They were neither fed to stock nor used to fertilize the fields, but were burned or left to decay in some remote part of the farm. Gin owners were required to keep the seed inclosed to prevent the hogs of the neighborhood from being killed by feeding upon them. As early as 1800 Sir William Dunbar made an unsuccessful attempt to manufacture cotton-seed oil for market. In one of his letters to a correspondent in Philadelphia he says of such oil: "It will probably be a grade between the drying and fat oils, resembling that made from linseed in color and tenacity, but less drying. Where shall a market be found for such an oil?"

Summary

1. Under the Spanish rule a market was first opened for the agricultural product of the Natchez District, and attention was then directed to the raising of commodities for sale.

2. The Spanish authorities first encouraged the cultivation of tobacco, and it remained the staple product of Mississippi until driven from the market by the excellence of the tobacco of Tennessee and Kentucky.

3. Indigo was the second staple product of Mississippi. The disagreeableness of manufacturing the dye and the ravages of an insect caused the culture of it to be abandoned about 1795.

4. The invention of the Whitney gin made cotton the third

staple product of Mississippi. The Mexican cotton seed was brought to this country in 1806.

5. The screw press was then invented, and cotton was better prepared for market by being packed in square bales.

6. As early as 1800 Sir William Dunbar attempted to manufacture cotton seed oil.

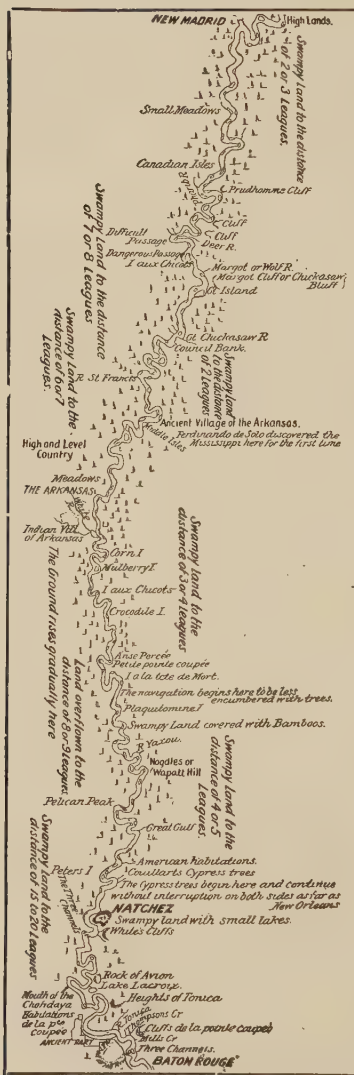
CHAPTER XI

BEGINNINGS OF PROTESTANTISM IN MISSISSIPPI *

91. Catholicism the Established Religion.—As early as 1722 the French government, for religious purposes, had divided the Province of Louisiana into three divisions; two of these covered the whole of the present State of Mississippi, besides parts of adjoining States. Two years later the union of Church and State was strengthened by the passage of a law, “compelling owners to bring up their slaves in the faith of the Catholics, or, if the owners were not good Catholics themselves, their slaves should be owned by the government. . . . Jews were expelled and no other religion was tolerated.” In most things the Spanish government was tolerant in its treatment of the inhabitants of the country, but such toleration did not extend to matters of religion. Catholicism was the established religion, and public worship was generally denied to all Protestants. Irish priests who spoke the English language were procured, however, to make Catholicism more attractive to the inhabitants. We are told by a man who resided at Natchez, when the country was under Spanish control, that the priests exercised much influence, and were generally loved.

92. Establishment of the Congregational Church in Mississippi.—The Rev. Samuel Swayze (swā'zy), a Congrega-

* See Goodspeed's *Memoirs of Mississippi*, Vol. II., Chapter XII.; also, Jones' *History of Methodism in Mississippi*; Lorenzo Dow's *Journal*, and Johnson's *Life of John Johnson*.



MISSISSIPPI RIVER IN 1796

tional minister, who settled in what is now Adams county (1772), was probably the first Protestant minister to live within the present limits of the State. He came from Morris county, New York, and with other members of his religious faith settled on the Homochitto (hō mō chīt'tō), at what is now known as the Kingston Settlement. Here, until the death of their faithful old pastor (1784), these good people continued their former mode of worship, "often in the face of great peril." Rev. John G. Jones tells us that when the Spaniards conquered this district in 1779 the priest burned all the Bibles and Protestant books that were found, and that the Rev. Samuel Swayze "often concealed himself and his Bible in the hollow of a large sycamore tree, standing in the midst of a dense cane-brake, on the margin of what is still known as 'Sammie's Creek.'"

In 1775 the Rev. Jedediah Smith, a Congregational

minister from Massachusetts, settled in Claiborne county, Mississippi, with his ten children, from whom descended many influential families.

93. Beginnings of the Baptist Church in Mississippi.—

In 1780 several emigrants from the Great Pedee River, in South Carolina, settled on the south side of Cole's Creek, in the Natchez District. Before leaving South Carolina several of them had become Baptists, and one of their number, Richard Curtis, Jr., had been licensed to preach. Owing to the dangers of persecution from the Spaniards, they maintained only private worship for the first ten years after their removal. In 1791 they met at the request of Richard Curtis to organize a church. Seven of them signed a covenant consisting of only three simple articles of faith, and thus organized the Salem Baptist church. Richard Curtis was chosen pastor. Their first place of worship was a small house built of logs. In 1793, or the year following, Stephen de Alvo, a Spaniard, renounced the Catholic faith and united with the Baptist church. About the same time another inhabitant of the district boldly denounced the Catholic church. The Spaniards thus became offended, and determined to make an example of some of the leaders. The church record states that this faithful minister was told that he must either stop preaching or lose his property and be driven from the colony, but his zeal for the cause was so great that he willingly obeyed God rather than man. He offended the governor still more by officiating publicly in a marriage ceremony—an act contrary to the law. To keep from being sent to the silver mines of Mexico for life, he and two other members of his church finally had to flee to the United States. Curtis remained away from his family two and a half years. In 1797 John Hannah, another Baptist minister, preached in Natchez, but was beaten and imprisoned for engaging in a dispute with some Irish

Catholics, and making himself otherwise offensive to the Spanish authorities.

94. Beginnings of the Episcopal Church in Mississippi.—The Rev. Adam Cloud, a Virginian by birth, who settled on St. Catherine's Creek in the present county of Adams (1792), was the first minister of the Protestant Episcopal church to make his home in Mississippi. For a short time he was permitted to baptize, to bury the dead of the Protestant families of the neighborhood, and to preach occasionally. He was then arrested, sent in irons to New Orleans, and finally banished from Spanish territory. After an absence of several years in South Carolina and Georgia he returned to Mississippi, and settled in Jefferson county, where in 1820 he organized the first Episcopal church in Mississippi.

95. Beginnings of the Methodist Church in Mississippi.—In 1798 the South Carolina Conference of the Methodist Episcopal church sent the Rev. Tobias Gibson to labor in the distant field of Mississippi. He reached his destination early in 1799, and promptly visited all the important settlements between the Walnut Hills (Vicksburg) and the northern boundary of the Spanish territory (31°). He was given a hearty welcome by a number of Protestants, among whom he preached with great success. All of his public services were held at first in private homes, school houses or buildings erected for other purposes. The only church building in this part of the country was the little log house known as Salem church, that had been recently built by the Baptists on Cole's Creek. The first Methodist church was organized in 1799, in the town of Washington, which was afterwards (§126) capital of the Mississippi Territory. Randall Gibson, the cousin of the missionary, was the first to offer himself for membership. This church was organized with a membership of eight, two of whom were colored

slaves. Local churches were organized at other places during that year, and before January 1, 1800, the total number of Methodists in the Territory had increased to sixty. The Rev. Randall Gibson and the Rev. James Griffing were the first ministers who were licensed by the Methodist church to preach in Mississippi.

96. Beginnings of the Presbyterian Church in Mississippi.

Although a large number of Presbyterians lived in the southeastern part of Mississippi during the period of Spanish rule, no church of this faith was established until later. In 1800 or 1801, a committee of three ministers—the Rev. James Hall, the Rev. William Montgomery, and the Rev. James Bowman—was sent by the Synod of North Carolina to the southwest to prepare the way for establishing churches where a sufficient number of Presbyterians could be found. They spent the year preaching in Mississippi and in Louisiana before organizing any churches. The Rev. Joseph Bullen, a native of New England, deserves to be called the “Father of Presbyterianism in Mississippi.” He settled in Jefferson county (1804), and at once founded a church at the settlement called Uniontown. This was the first Presbyterian church established in the State. Soon afterwards he established a second church in the Bayou Pierre (bī’ōō pē air’) settlement. In 1812 there were eight regularly organized Presbyterian churches and four ministers of that faith in Mississippi.

Summary

1. During the period of Spanish rule Catholicism was the established religion, and Protestant worship, though permitted at irregular intervals, was discouraged, and in many instances positively prohibited.

2. The Rev. Samuel Swayze, a Congregational minister, who came to this country in 1772, was probably the first Protestant clergyman to settle in Mississippi.

3. In October, 1791, the first Baptist church in Mississippi was organized on Cole's Creek, with the Rev. Richard Curtis as pastor.

4. The Rev. Adam Cloud, the first Episcopal clergyman to settle in Mississippi, came to this part of the country in 1792, and established a church in Jefferson county about 1820.

5. The Rev. Tobias Gibson, the first minister of the Methodist Episcopal church in Mississippi, reached this country in the spring of 1799, and in that year organized a church at Washington and at six or eight other places.

6. In 1800 or 1801 the Rev. James Hall, the Rev. William Montgomery, and the Rev. James Bowman, ministers of the Presbyterian church, did evangelistic work in Mississippi, and in 1804 the Rev. Joseph Bullen founded at Uniontown the first church of that faith in this part of the country.

CHAPTER XII

TRANSITION FROM SPANISH TO AMERICAN CONTROL (1795-1798)

97. Failure of Spanish Intrigues.—It has been seen that for a period of twelve years (1783-1795) the government of Spain refused to accept the boundary (31°) established between Spanish West Florida and the United States by the Treaty of Paris. During this time every plan was tried by the Spanish government to strengthen its power and influence and to weaken that of the United States in the Mississippi Valley; efforts were made to satisfy the inhabitants of the territory under dispute by mild laws, and to win the citizens of Tennessee and Kentucky partly by bribery and commercial favors and partly by showing that Spain still controlled the navigation of the Mississippi River. During this period hundreds of immigrants were moving into the Natchez District from the United States, and enjoying the liberality of Spain without forgetting their love for republican principles. Year by year their number

increased, until they finally constituted a majority of the population. It then became necessary for Spain, in order to free herself from other troubles, to yield the points of difference between herself and the United States.

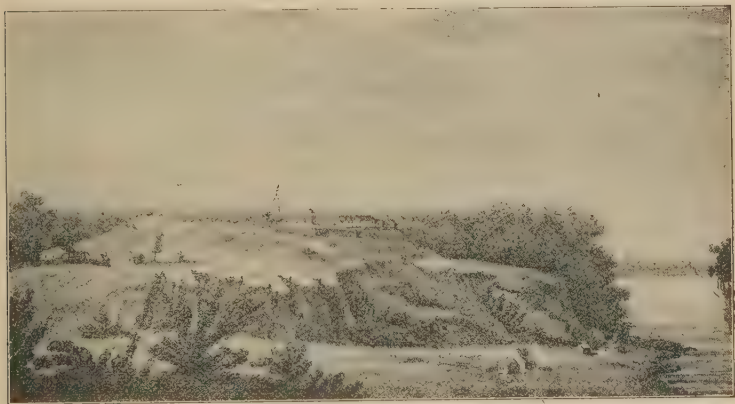
By the Treaty of San Lorenzo (October 27, 1795) it was agreed, among other things, that (1) the United States should own all that part of the present State of Mississippi north of the thirty-first degree of north latitude; (2) the troops and settlements of either party in the territory of the other, according to this boundary, should be removed within six months; (3) the boundary line should be run by a joint commission appointed by the two powers; (4) the navigation of the Mississippi from its source to the ocean was to be free to the inhabitants of both countries.*

98. Revolt Against Spanish Authority (1797).—Andrew Ellicott was appointed by President Washington to represent the United States in running the boundary line. Although he did not reach Natchez until sixteen months after the signing of the treaty, instead of six months, as prescribed by that document, his arrival was contrary to the wishes and expectations of the Spanish authorities, who were determined to prevent, if possible, the treaty from going into effect. Ellicott soon became impatient because of the delays and excuses of the Spanish officials, and began to arouse the people. He defiantly unfurled the flag of the United States; secretly found out how the inhabitants felt about the treaty and encouraged them to assert their attachment to his government. He sent a secret letter to Lieutenant Pope, who was then on the Mississippi River with a company of United States troops, and asked him to come to Natchez. Upon the arrival of these soldiers

* See Hinsdale's *Southern Boundary of the United States*, in the *Report of the American Historical Association*, for 1893, pp. 319-366.

Ellicott arranged for a military parade, which was intended to have a strong effect on the people.

The Spanish governor made several attempts to stop these influences and to gain the good-will of the people, but in vain. The people saw, heard, and imagined enough to keep them in a constant state of agitation. Finally, upon the imprisonment at Natchez of a citizen of the United



VIEW OF FORT AT NATCHEZ IN 1796

States who had made himself very disagreeable to the Spanish government, the inhabitants rose in revolt, and the governor, with his officials and several Spanish families, fled to the fort for refuge. Within twenty-four hours after the beginning of the outbreak at Natchez, active opposition to the Spanish government had spread over the greater part of the district.

99. A Declaration of Independence.—The inhabitants were then encouraged to sign a written statement declaring that by the late treaty they were no longer subjects of Spain, but citizens of the United States. This “declaration of independence” was signed by a large number of the citizens,

who thus pledged themselves to the American cause. A number of military companies had organized and elected officers, and others were forming. The governor had strengthened the fortifications and added to his forces from every possible source.

As the withdrawal of the Spanish officials to the fort left no legal governor in the district, it became necessary for the



people themselves to take control. It was agreed that a meeting of the principal men of the district should be held at the home of a Mr. Belk, who lived about eight miles from Natchez. At this meeting a committee was chosen to make arrangements with the governor for restoring peace and tranquility.

100. An Embryonic Constitution.—On June 22, 1797, this committee submitted the following propositions to the governor:

(1) The inhabitants of the district of Natchez are not to

be prosecuted or injured for their recent conduct. (2) They are to be neither embodied as militia nor called upon to aid in any military operation, except in case of an Indian invasion, or the suppression of riots, during the present state of uncertainty. (3) The laws of Spain, in the above district, shall be continued, and on all occasions, be executed with mildness and moderation, nor shall any of the inhabitants be transported as prisoners out of the government on any pretext whatever; and the inhabitants shall be considered to be in an actual state of neutrality during the continuance of their uncertainty. (4) The committee aforesaid do engage to recommend to our constituents to preserve the peace and promote the execution of justice.

This document has been rightly called an "embryonic constitution."* The first two propositions correspond to a bill of rights, which wisely guarded the personal liberties of the inhabitants and judiciously freed them from oppressive military service. It not only provided for freedom from punishment for past conduct, but guaranteed protection for the future. The third article, though giving due recognition to Spanish laws and customs, guarded against the carrying of legal processes beyond the district. But more important still, this article showed that the people, through their representatives, had sat in judgment upon their legal status and declared themselves in "a state of neutrality." The fourth and last article relates to the peace of the community and to the execution of justice.

101. The Restoration of Peace.—The governor readily accepted these propositions, and peace was restored. The committee was then dissolved by common consent, and the governor left the fort and again took up the duties of his office. The day after leaving the fort the governor, at the request of Mr. Ellicott, issued a proclamation for

* See Goodspeed's *Memoirs of Mississippi*, Vol. I., pp. 89-90.

the election of a Permanent Committee. We are told that the election of this committee was intended to put the finishing stroke to the Spanish authority in the district.

102. Dissensions Among the Inhabitants.—Before the election of this committee, however, dissensions had arisen among the inhabitants of the district.* One faction was led by Colonel Anthony Hutchins and the other by Andrew Ellicott. In the heat of contest the members of each faction charged their opponents with evil motives, and declared their conduct to be villainous. Mr. Ellicott was very much disliked by many of the best people of the district.

103. Election of the Committee of Safety and Correspondence.—After a vain attempt to dissolve the Permanent Committee, Colonel Hutchins, aided by some citizens of the United States, several of whom held commission under the government, had another committee chosen (September 2, 1797). This newly elected body was called the Committee of Safety and Correspondence. It chose Colonel Hutchins as its agent to Congress. Both of these elections had been held with the approval of the Spanish governor, who expected by dividing the inhabitants to regain the power he had so lately lost. He did not see that, although the two parties might differ in respect to points of government, they were all strongly attached to the United States.

104. Memorials.—Each of the committees, claiming to represent the desires of a majority of the inhabitants of the district, then prepared a memorial to the Congress of the United States, presenting the views of its faction as to how the district should be governed. The Permanent Committee recommended the establishment of a government similar to that of the Northwest Territory; the Committee of Safety and Correspondence asked for a different form

* Read in this connection Claiborne's *Mississippi*, Chapter XIX.

of government—one that would permit the people to elect their own officers. Congress finally established a form of government which was in accord with the wishes of the Permanent Committee (§III).

105. Opposition to a Spanish Governor.—In November, 1797, it was announced that Colonel Grand Pré (grän prā) had been appointed governor of the Natchez District to



succeed Governor Gayoso (gā yō'sō), who had been made governor-general of Louisiana. The Permanent Committee immediately declared that it would not receive him as governor, and stated that any attempt on his part to take the office would be resisted by the inhabitants. He did not, therefore, enter upon the discharge of his official duties.

106. Withdrawal of the Spanish Government (1798).—In response to the complaints of the Spanish government to the Secretary of State against the conduct of Commissioner

Ellicott and Lieutenant Pope, Captain Guion (gī'ōn), of the United States army, reached Natchez December 6, 1797, with orders to take charge of the district upon the withdrawal of the Spanish authority, and to hold it until the arrival of a legally appointed governor. The efforts of the Spaniards to prevent the treaty from going into effect and to hold the district of Natchez soon aroused his anger. He finally notified the acting-governor that such conduct would no longer be permitted, and that the Spanish officials must surrender the district by March 31, 1798. On the morning of March 30th the Spaniards embarked for New Orleans, and the flag of the United States was raised over the fort and saluted by the discharge of fifteen guns.

A few days later Fort Nogales (nō gā'lēs), at the present site of Vicksburg, was turned over to Major Kersey, and occupied by a detachment of American troops under his command.

107. Establishment of the Boundary Line.—Shortly after the withdrawal of the Spanish forces from Natchez preparations were made to survey the boundary line between the territory of the United States and the Spanish Floridas. The Spanish government was represented by Stephen Minor as commissioner and Sir William Dunbar as astronomer. The government of the United States was represented by Andrew Ellicott as astronomer and Major Thomas Freeman as surveyor. A sufficient number of men to fell the trees and to guard the commissioners was supplied by the two governments.

108. The District Under the Command of Major Guion.—Captain Guion, who had been promoted to the rank of major, governed the district from the time of the withdrawal of the Spanish authority until the arrival of the first territorial governor. In February, 1798, he entertained for a few days Louis Phillippe (lōō'ē fe leep'), then Duke of

Orleans, but later (1830), king of France. In a letter to the Secretary of War (June 13, 1798), Major Guion wrote that the people of the district were above the average in character and intelligence, and were eagerly looking for the laws and officers of government to arrive. He stated that the inhabitants were orderly and quiet, with a few exceptions, but that the arrival of the governor, judges, etc., would add much to their satisfaction and to his ease.

Winthrop Sargent, the newly appointed governor of the Territory, arrived at Natchez on August 6, 1798, and took control of the government.

Summary

1. After twelve years of intrigue against the United States, Spain, in order to get out of more serious troubles, signed the Treaty of San Lorenzo, by which she gave up her claim to that part of Mississippi above latitude 31° .

2. With the vain hope of being able to keep this treaty from going into effect Spain tried to gain by delay what she had lost by diplomacy.

3. The people of the Natchez District, encouraged by Andrew Ellicott, the American commissioner for running the boundary line, rose in revolt against the Spanish authorities, and drew up a "declaration of independence," and "an embryonic constitution."

4. Dissensions then appeared among the inhabitants, and two rival committees were chosen, each of which presented memorials to Congress.

5. Upon the demand of Captain Guion, an officer in the army of the United States, the Spanish forces finally retired from Natchez and Fort Nogales.

6. Major Guion controlled the civil and military affairs of the district from the withdrawal of the Spaniards (March 30, 1798) to the arrival of Governor Sargent (August 6, 1798).

EPOCH V

UNDER AMERICAN CONTROL (1798-1817)

CHAPTER XIII

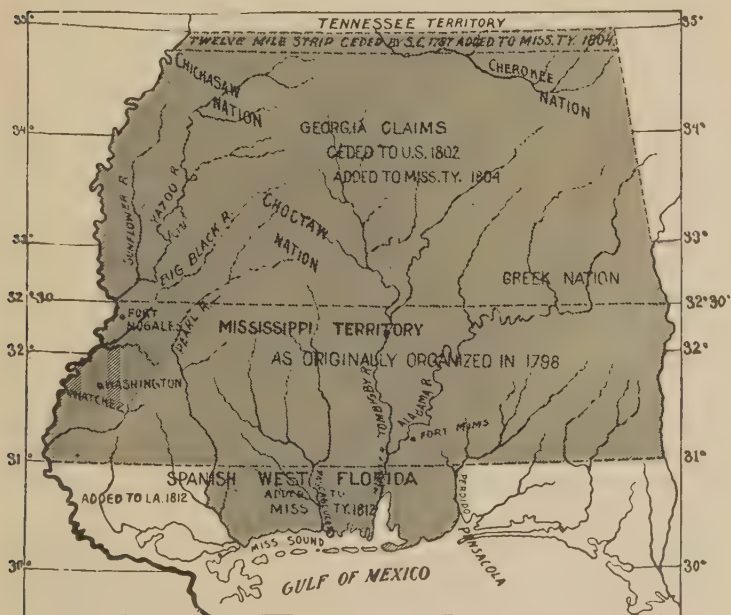
FIRST STEP IN TERRITORIAL GOVERNMENT (1798-1800)

109. Establishment of the Territory.—On April 7, 1798, President Adams approved an act of Congress which declared that “all that tract of country bounded on the west by the Mississippi, on the north by a line drawn due east from the mouth of the Yazoo to the Chattahoochee River, on the east by the Chattahoochee River, on the south by the thirty-first degree of north latitude, shall be and is hereby constituted one district, to be called the Mississippi Territory.”*

110. The Georgia Claims.—The State of Georgia claimed all the territory between the thirty-first degree of latitude and the State of Tennessee, with the exception of a narrow strip of land twelve miles wide, which had been given to the United States by South Carolina. The Territory of Mississippi at first embraced a little more than one-third of this claim, or only such part of it as had been held by the Spanish

*This territory embraced a strip of land extending through the present States of Mississippi and Alabama and measuring about three hundred and fifty miles from east to west and about one hundred miles from north to south. It was bounded on the north by that part of the Georgia claims which was not embraced in the British Province of West Florida, on the east by the State of Georgia, on the south by the Spanish possessions, and on the west by the Mississippi River. Congress reserved the right to divide the Territory into two parts.

government. The white inhabitants of this section had been left without a form of civil government upon the withdrawal of the Spanish authority, and their safety demanded prompt action by the United States. It was argued by some members of Congress that, although Georgia claimed this country, it would cause unnecessary delay to



MISSISSIPPI TERRITORY AND ADJACENT CLAIMS

wait until the claim could be settled before establishing a territorial government. The act, therefore, was a kind of emergency bill, as it was thought to be unwise to give greater cause for offence to the State of Georgia than the situation demanded. That part of the Georgia claims which was held entirely by the Indians was not embraced in the

Territory of Mississippi at this time. The rights of Georgia were further protected by a clause in which it was declared that this act should not affect the rights of Georgia with respect to her authority over this country or to her possession of the soil.

Shortly after the establishment of the Territory, Georgia strongly protested against this act of Congress, declaring that her rights had not been properly recognized.

111. First Grade of Territorial Government.—The act which created the Territory of Mississippi provided for a government similar in form to that of the Northwest Territory. The President was authorized to appoint a governor for a term of three years, a secretary for a term of four years, and three judges for a term of "good behavior." The governor and judges, or any three of them, were authorized to adopt and publish in the district such laws of the original States as were necessary and best suited to the district, and report them to Congress from time to time. The governor was directed to appoint and commission all military officers below the rank of general officers and such magistrates and other civil officers as might be necessary before the organization of the general assembly. He was authorized to lay out into counties and townships those parts of the district to which the Indians no longer had any just claim. This form of the government was to last until the population of the Territory should number "five thousand free male inhabitants of full age," when a second grade of territorial government should be organized.

112. Slavery in Mississippi.—As slavery had been prohibited in the Northwest Territory by law, an effort was made to uproot this institution in Mississippi. After a heated debate in Congress, which was the first to take place under the Federal Constitution on the prohibition of slavery in a Territory, the effort to abolish the institution in Missis-

issippi failed, there being only twelve votes in the House of Representatives in favor of such a law.

113. Administration of Governor Sargent (1798-1800).—Winthrop Sargent, a native of Massachusetts and a former secretary of the Territory northwest of the Ohio, was the first governor of the Territory of Mississippi. He was a man of ability, but his manner was so repulsive to the inhabitants of the Territory that they soon began to oppose his administration with much bitterness. He returned to Massachusetts, leaving his feeble secretary, Colonel John Steele, to perform the double duties of governor and secretary of the Territory.

114. Creation of Counties.—On April 2, 1799, Governor Sargent divided the Territory into two counties, which he named Adams and Pickering after the President and the Secretary of State. These were the first counties to be organized in the State of Mississippi. The dividing line between them was similar to that between the present counties of Adams and Jefferson as far as they extend, and thence due east along a line a little to the north of latitude $31^{\circ} 30'$ "to the territorial boundary." On June 4, 1800, a third county, Washington, was formed, which embraced all of that part of the Territory east of Pearl River.

115. Sargent's Laws.—It will be remembered that the governor and the three judges, or any three of them, were authorized to frame for the Territory laws like those of the States then belonging to the Union. These officials went beyond the limits of their authority, however, and made laws that were in many cases against not only the spirit of our institutions, but the Constitution of the United States. Although most of these laws were afterwards annulled by Congress, they made the authors still more disliked by the inhabitants, and two of the judges left the

Territory never to return. Only one of the three judges appointed by President Adams was a lawyer.

One of their laws prescribed the death penalty and confiscation of property for the crime of treason. They charged eight dollars for licenses to keep a tavern and the same for marriage licenses, and prescribed that the money from these sources should belong to the governor. A fee of four dollars was charged for the passport which they required every person to get before leaving the Territory. Although the judges were paid a salary by the United States, they framed laws that allowed them to collect fees for the very work they had been paid to do.

116. Opposition to Governor Sargent.—These unjust laws increased the opposition to the governor until a general committee, chosen by the people, prepared a memorial, telling of their troubles and praying that Congress would advance the country to the second grade of territorial government. Narsworthy Hunter was chosen to present this document to Congress. It has been well said that this was "a stroke for self-government not unlike that which the United States as a whole had made" several years previously Congress condemned the governor's system of unjust fees, and, contrary to the ordinance of 1787, advanced the country to the second grade of territorial government by permitting the people to have a legislature before the population had reached the prescribed number of "five thousand free male inhabitants of full age."*

Summary

1. On April 7, 1798, Congress organized that part of the present States of Mississippi and Alabama situated between latitude 31° and 32° 30' into the Territory of Mississippi without annulling the claims of Georgia to the possession of the same.

*According to the census of 1800, the Mississippi Territory contained 8,850 persons, including 3,489 slaves.

2. The first grade of territorial government provided for a governor, a secretary, and three judges to be appointed by the President of the United States. The governor was authorized to appoint all other officers, civil and military, "below the rank of general officers," and, with the assistance of the judges, to adopt and publish such laws of the "original States" as were suited to the needs of the new Territory.

3. Slavery was legalized, though the importation of slaves from any place without the United States was prohibited.

4. The administration of Governor Sargent (1798-1800) was characterized by a constantly growing opposition to his laws and to his system of fees. This opposition culminated in an appeal to Congress for relief, and in a request that the Territory be advanced to a second grade of territorial government by giving it a legislative assembly.

5. Governor Sargent withdrew from the territory April 4, 1800, leaving his infirm secretary, Colonel John Steele, to perform the duties of secretary and governor.

CHAPTER XIV

SECOND STEP IN TERRITORIAL GOVERNMENT (1800-1808)

117. Establishment of a Legislative Assembly.—By an act, approved May 10, 1800, Congress provided for the establishment of a general assembly, or legislature, consisting of the governor, a legislative council, and a house of representatives. The legislative council was to consist of five members chosen for a period of five years. They were to be selected by Congress from a list of names, nominated by the house of representatives of the Territory. The number of representatives in the assembly was limited to nine—four each from Adams and Pickering counties and one from the newly created county of Washington—until the number of free male inhabitants of full age in the Territory should amount to five thousand. After that time there should be one representative for every five hundred free

male inhabitants, until the total number should amount to twenty-five, when the number and proportion of representatives should be regulated by the legislature. The council and house of representatives were authorized to elect by joint ballot a delegate to Congress, who was to have the right of debating, but not of voting, in that body. The governor was given power to veto legislative acts, and no provision was made for overriding his veto. The act of Congress also provided for the first meeting of the general assembly on September 22, 1800, and for annual meetings thereafter, unless called together oftener by the governor.*

118. Qualifications for Voting and Holding Office.—The governor was required to live in the Territory and to own one thousand acres of land therein during his term of office. Similar requirements were made of the other Territorial officers and voters for the same.

119. Settlement of the Georgia Claim (1802).—Although Congress made provision in each of the two acts establishing the Mississippi Territory for settling the claim of Georgia to the lands therein, that State did all in her power to prevent the organization and recognition of this Territory. In December, 1800, the legislature of Georgia petitioned Congress to repeal the two acts (1798 and 1800) establishing the Mississippi Territory. In 1801 a representative of Georgia in the National House of Representatives protested against the recognition of the Hon. Narsworthy Hunter, the first congressional delegate chosen by the newly organized general assembly of Mississippi Territory, on the ground that Georgia had legal control over that country. This opposition continued until April 24, 1802, when the commissioners on the part of the United States and of Georgia for adjusting the claim, reached an agreement by which the territory in dispute was surrendered to

* See Poore's *Charters and Constitutions*, Part II., pp. 1051-1052.

the United States for the sum of \$1,250,000. The United States agreed to satisfy the claims for land that had been previously granted by Georgia in this region, to extinguish the Indian titles within the State of Georgia, and to admit the Mississippi Territory as a State as soon as its free white population had increased to sixty thousand. Georgia also received from the United States a strip of territory twelve miles wide, which extended along the northern border of the State, and which formerly belonged to South Carolina.*

120. Governor W. C. C. Claiborne.—In 1801 President Jefferson appointed William Charles Cole Claiborne to succeed Winthrop Sargent as governor of the Territory of Mississippi. Governor Claiborne was a Virginian, a descendant of the William Claiborne who had been a prominent character in the colonial history of Maryland. When Governor Claiborne received his appointment he was living in Nashville. Although only twenty-six years of age at that time, he had served as one of the judges of the Superior Court of Tennessee, and had been a member of the national House of Representatives since 1797. When he reached Natchez (November 22, 1801) he was cordially received by the people. In his administration Indian titles to large tracts of land were extinguished, the militia was well organized, lawlessness was put down, and the limits of the Territory were increased. Governor Claiborne was one of the commissioners to receive Louisiana from the French government, and was later appointed governor of the newly acquired territory of Orleans (October 1, 1804). From the time of his departure from Mississippi (December 2, 1803) to the arrival of Governor Williams in January,

* See *Abridgments of the Debates of Congress*, Vol. II., pp. 217-221, 331-338, 576-578; Goodspeed's *Memoirs of Mississippi*, Vol. I., p. 77.

1805, Cato West, secretary of the Territory, served as governor.*

121. Governor Robert Williams (1805-1809).—Robert Williams, of North Carolina, and Cowles Mead† (cōles meed), a native of Virginia, were then appointed governor and secretary, respectively, of the Mississippi Territory. The Republicans in the Territory had recommended one of their own number, Colonel Cato West, for governor, and were displeased with the appointment of Governor Williams. Although a public dinner was given by the most prominent citizens of the territorial capital in celebration of Governor Williams' arrival, his repulsive manner and haughty bearing soon made him unpopular with the inhabitants, and developed a spirit of opposition to his administration. The principal event of his term as governor was the arrest and trial of Aaron Burr. The administration of Governor Williams ended with his removal by President Madison, in March, 1809.‡

122. Organization of the Militia.—Although great efforts had been made by Governor Sargent to organize the militia, the Territory was found to be entirely defenceless upon the arrival of his successor. The legislature, following Governor Claiborne's advice, passed a law which resulted in the organization of military companies in every county of the Territory. On December 20, 1801, the governor wrote to the secretary of state:

'We require five hundred muskets and as many rifles,

* See Claiborne's *Mississippi*, Chapter XXII. For a sketch of the life of Governor Claiborne, see *ibid.*, pp. 250 *et seq.*

† In early life he went to Georgia, where he soon acquired political distinction. He was living in that State when he received his appointment as secretary of the Territory of Mississippi. Claiborne's *Mississippi*, pp. 275-276.

‡ See Claiborne's *Mississippi*, pp. 258, 274, 295, 302.

which I hope will be sent as early as practicable. Bordering on a foreign power—separated from the nearest State by a wilderness of six hundred miles—with numerous savage tribes surrounding our settlements, and a slave population nearly equal to the whites, we need an armed militia both for safety and for tranquility.’

When the muskets came he wrote that he found the people of the Territory much prejudiced against them and unwilling “to depend on any arm but the *rifle*, the weapon of their fathers.” In 1802 the militia of the Territory numbered about two thousand, and was well organized.*

123. Suppression of Lawlessness.—In the early history of the Territory, traders from the upper Mississippi descended the river on flatboats to Natchez or New Orleans. After selling their cargoes, they returned home either on horseback or on foot, since there were no steamboats at that time. As there were but few settlements on the dim trails or paths along which the traders went with their money, the country was filled with bands of robbers. In 1802 the Territory was so much alarmed over the murders and robberies committed by Mason and Harp that Governor Claiborne offered a reward of two thousand dollars for their capture. This resulted in the execution of one and probably of both of them, and of some of the members of their gang. Robbery then ceased and travel became safer.†

124. Philip Nolan.—This early hero of Mississippi was like the western cowboy of a later day. While Spain held possession of Louisiana and Texas, she was very strict in forbidding the trade and travel of citizens of the United States in those countries. Philip Nolan spent much of his time bringing wild horses from the western plains to Mis-

* Claiborne's *Mississippi*, pp. 223, 231.

† Claiborne's *Mississippi*, pp. 225-228; Jo Guild's *Old Times in Tennessee*, pp. 94-99.

Mississippi for sale, in spite of a Spanish law forbidding it. It was the bravery of this man that first caused the early settlers of Texas to respect the inhabitants of the United States, and thus prepared the way for the annexation of that country to the Union at a later date.* He was finally killed by the Spaniards (1801).

125. Extinction of Indian Claims and Creation of New Counties.—By a treaty made shortly after Governor Claiborne's arrival in the Territory, the Choctaws gave to the United States all the lands in the old Natchez District which had been ceded to England in 1777. In 1805 the Choctaws ceded to the United States a strip of land north of the thirty-first degree and east of the Natchez District. This grant is marked "First Choctaw Cession" on the map on page 150.†

In Governor Claiborne's administration, Claiborne, Wilkinson, and Wayne counties were organized, and the name of Pickering was changed to Jefferson.

126. Capital of the Territory.—In 1802 the legislature of the Territory removed the seat of the territorial government to the town of Washington, six miles east of Natchez, the first capital.

127. Territorial Delegates in Congress.—In 1802 Colonel Thomas Green was chosen delegate from the Mississippi Territory to the national House of Representatives to succeed Captain Narsworthy Hunter, who had died at Washington in March of the same year. In the following year the legislature elected Dr. William Lattimore, of Natchez, to represent the Territory in the eighth Congress. He was reelected and served during the following Congress, when he was succeeded by the Hon. George Poindexter.

*Hale's (E. E.) *Philip Nolan's Friends; or, Show Your Passports.*

†Goodspeed's *Memoirs of Mississippi*, Vol. I., pp. 47 and 48.

128. Enlargement of the Territory.—By an act of Congress, passed in 1804, the Territory of Mississippi was extended to the southern boundary of Tennessee. This newly added region embraced two districts—(1) a narrow strip of land twelve miles wide, extending along the southern border of Tennessee from Georgia to the Mississippi, which had been ceded to the United States by the State of South Carolina in 1787; (2) that part of the Georgia claim north of the Territory of Mississippi which had been ceded to the United States in 1802. (See map, page 93.)

129. Harry Toulmin.—Congress passed an act in 1804, by which an additional judge was appointed for the Tombigbee settlements. Harry Toulmin, a native of England, was selected by the President to fill this position. After coming to America (1793), he lived for some time in Virginia and Kentucky. The year (1805) of his arrival at his new home at St. Stephens, in the present State of Alabama, he was chosen by the general assembly to prepare a digest of the laws of the Mississippi Territory. He graced the judicial bench of Mississippi until the division of the Territory, when, his home being in Alabama, he became a valuable and honored citizen of that Territory and State.*

130. Party Differences.—The fact that Governor Claiborne was a member of the Republican party attracted to his administration many of the inhabitants of the Territory who had looked upon Governor Sargent—a Federalist—as unsound in his political views. In addition to this, the difference in the policy and personal bearing of the two men accounts for the better feeling which existed throughout Governor Claiborne's administration. The legislature, which convened shortly after Governor Claiborne's arrival in the Territory, repealed most of Sargent's

* See Claiborne's *Mississippi*, p. 309 (note).

laws, and made a code that was almost entirely new. Although Governor Williams belonged to a prominent family of Jeffersonian Republicans in his native State, the mantle of political charity could not cover his personal defects, especially when his appointment was made in spite of the efforts of the inhabitants in behalf of Colonel Cato West, one of the principal leaders of the Republican party in the Territory.

131. Trouble with the Spaniards.—In 1802 and 1803 the Spanish authorities in Louisiana and West Florida showed marked hostility to the United States. Contrary to the treaty between the United States and Spain, the right of landing in New Orleans produce from the United States was taken away. These evidences of hostility were followed by an order which prohibited intercourse between the citizens of the United States and the subjects of Spain. The Spaniards at Mobile tried to prevent the free navigation of the Mobile River. As the result of these prohibitions there was great excitement in the Mississippi Territory, and Governor Claiborne wrote to the secretary of state that the difficulty could be settled if the militia of the Territory were allowed to capture New Orleans. He added, further, that the militia of the western part of the Territory had as much national pride as any men in the United States, and that a regiment on the Tombigbee was burning to resent Spanish interference with the commerce of that section. Before a crisis was reached Spain ceded Louisiana to France, and that power sold it to the United States. In this way war was prevented.

This settlement of the matter, which was so satisfactory to the western part of the Territory, did not help the settlers on the Tombigbee. As the products which they received from the Valley of the Mississippi had to be carried down that river into Spanish territory, then up the Mobile

and back into the territory of the United States, these settlers were still forced to pay double duty, often amounting to as much as forty-seven per cent. Freight charges were also very high. All of these expenses made a barrel of flour from Kentucky, which sold for only four dollars at Natchez, cost sixteen dollars by the time it reached the Tombigbee settlement by way of New Orleans and Mobile. In 1806 the grand jury of old Washington county addressed to the Federal Government a petition for relief, in which they made use of the following language: 'It is true we are few in numbers, but no two thousand souls hold a more important station in the American confederacy. We are the advance guard of civilization and of republican America. If we become extinct, your influence on the southern savages is gone. The Spanish agents become possessed of an unbroken range of two thousand square miles.'*

132. Expedition and Arrest of Aaron Burr.—In the winter of 1806-'7 the Territory became very much excited over the wild rumors of the mysterious expedition of Colonel Aaron Burr, a former vice-president of the United States. In the absence of Governor Williams from the Territory of Mississippi, Acting-Governor Mead promptly collected the territorial militia (December, 1806). Early in January, 1807, Burr's fleet of nine boats anchored on the shore of Louisiana opposite to Bruinsburg, in Claiborne county. Although Burr declared that he had no intention of waging war against the United States government, Acting-Governor Mead demanded his surrender to the authorities of the Territory. Burr yielded and gave bond of five thousand dollars for his appearance before a called session of the Superior Court of the Territory at the town of Washington (February 2, 1807). On that day Attorney-General

* Claiborne's *Mississippi*, pp. 240-241.

Poindexter argued that the case should not be tried by the territorial court, and insisted that it be referred to a United States court. Burr escaped before the question had been decided, and Governor Williams, who had just returned to the Territory, offered a reward of two thousand dollars for his recapture. He was caught near Fort Stoddard, on the Tombigbee, and turned over to the Federal authorities.*

Summary

1. On the 10th of May, 1800, Congress gave the qualified voters of the Territory authority to elect a house of representatives, which, with the governor and legislative council, was to constitute the general assembly. A property qualification was required for voting and holding office. The Territory was represented in Congress by a delegate chosen by the council and house of representatives.

2. In 1802 the claims of Georgia to the country to the west of that State proper were extinguished.

3. Governor Claiborne's administration (1801-1805) was characterized by (1) the acquisition of "The First Choctaw Cession"; (2) an organization of the militia; (3) the suppression of lawlessness; (4) troubles with the Spaniards; (5) settlement of the Georgia claims; and (6) the extension of the territorial limits to the southern boundary of Tennessee.

4. Governor Williams' administration (1805-1809) was characterized by political dissensions and by the arrest and trial of Aaron Burr (1807).

CHAPTER XV

THIRD STEP IN TERRITORIAL GOVERNMENT (1808-1817)

133. Governmental Changes.—By an act† of Congress, approved January 9, 1808, the requirements for voting

* See Claiborne's *Mississippi*, pp. 278-294; Goodspeed's *Memoirs of Mississippi*, Vol. I., pp. 132-133. A graphic account of the capture of Burr by N. Perkins, his captor, will be found in the *American Historical Magazine*, Vol. I., p. 141.

† This act is given in Poore's *Charters and Constitutions*, Part II., p. 1052.

were changed so that it could be exercised by any white male person in the Territory above the age of twenty-one who had lived therein for one year, or had been a citizen of the United States, and who owned fifty acres of land or a town lot valued at one hundred dollars. It authorized the general assembly of the Territory to apportion the representatives of the counties according to the population, but provided that, until there should be six thousand white inhabitants of full age in the Territory, the number of representatives should not be more than twelve nor less than ten. This act also took from the general assembly the power to elect the delegates to Congress, and gave it to the citizens of the Territory that were qualified to vote.

134. Administration of Governor Holmes.—Governor Williams grew more unpopular daily, until he was finally removed by President Madison (March, 1809). David Holmes was then appointed governor of the Territory.



DAVID HOLMES

He was a native of Pennsylvania, but had lived in Virginia from childhood, and had represented the famous counties of Rockingham and Shenandoah in the lower house of Congress for several years before this appointment. His popularity caused many of his friends to move from Virginia to the new Territory.

His term of public service in

Mississippi embraced eighteen of the most eventful years in the early history of the Territory and State. The fact that, after having served as governor to the end of the territorial period, he was elected by the people to be the first governor of the State of Mississippi shows the tact and ability with which he discharged his duties. He had a

winning manner, a mild disposition and a high sense of honor. In his administration as territorial governor the limits of Mississippi were extended to the Gulf coast, and the country was stirred up over the horrors of a bloody Indian massacre and over the fear of an attack from the British.*

135. Revolt Against Spanish Rule in West Florida.—When the line between the United States and Spain was surveyed, many American settlers, very much to their disappointment, found themselves in Spanish territory. The fact that the Territory of Mississippi was rapidly advancing, while West Florida was not, increased their dissatisfaction. The United States claimed that they had acquired by the Louisiana purchase (1803) a right to that part of the Gulf coast west of the Perdido River. The Spaniards insisted that Pearl River was the eastern boundary of Louisiana, and placed a strong military force at Mobile and Pensacola. In the meantime other Americans were settling in the disputed territory and increasing the opposition to the Spanish government. They finally made an unsuccessful attempt (1805) to free themselves from Spanish rule. Five years later they seized the Spanish fort at Baton Rouge, declared their independence, and organized a State government under the title of the independent State of West Florida, with Fulwer Skipwith as governor. They adopted a flag and sent parties throughout the province of West Florida to enforce obedience to their government. They promptly applied to the United States for admission as a sovereign State, or to be annexed to the Mississippi or the Orleans Territory. In a proclamation (October 29, 1810), President Madison declared that West Florida was embraced within the limits of the Louisiana purchase, and directed the governor of Louisiana to take possession of

* See Claiborne's *Mississippi*, pp. 302-303, 315, *et seq.*

the same. In response to this proclamation Governor Claiborne promptly led several companies of volunteers, chiefly from Mississippi, into West Florida and, without opposition, hoisted the flag of the United States at Baton Rouge and other places, and declared the country to be a part of Louisiana. By an act of the legislature of Louisiana this country was divided into seven parishes, two of which—Biloxi and Pensacola—embraced the greater part of the Gulf coast of Mississippi and Alabama.*

136. Disorders on the Gulf Coast (1810).—During the time between the overthrow of the Spanish government and the establishment of the American rule, the coast of Mississippi was in a state of lawlessness. Bands of robbers roved through the country, plundering the inhabitants. They carried the flag of West Florida and compelled the people to swear allegiance to it. The Spanish forces had retired to Mobile, where they remained until they were forced to evacuate the place (April, 1813).

Upon hearing of the distressing condition of the inhabitants of the coast, Governor Claiborne sent a special agent to them, carrying commissions to the most influential men of that section, which authorized them to act as justices of the peace. Upon reaching this country the agent found that the disorders had greatly diminished, and that the people were much relieved to learn that they would pass under the control of the United States. He made a long and interesting report† to Governor Claiborne, in which he said:

“The population of Biloxi Parish may be estimated at 420, Pascagoula at 350, chiefly French and natives of the

* See Claiborne's *Mississippi*, p. 304. Read, also, Chamber's *A Short-Lived American State in the Magazine of American History*, Vol. XXVII., pp. 24-29.

† See Claiborne's *Mississippi*, pp. 305-309.

country—the most primitive, simple, and contented people I have ever seen. . . . They appear to be greatly pleased to be under the protection of the United States.”

137. West Florida Divided Between Louisiana and Mississippi.—On November 20, 1811, a petition, signed by four hundred and eleven inhabitants of West Florida, was presented to the national House of Representatives, protesting against the addition of their country to Louisiana, and asking that it be added to the Territory of Mississippi. Two sentences from this interesting document read as follows: “Your petitioners are aware of the policy suggested by *some*, of adding *us*, who are all Americans, to the people of the Territory of Orleans, who are chiefly French, in order to counteract the French influence. We are all Americans by birth and in principles; but if we are united with the Territory of Orleans we shall be subjected to all the inconveniences and miseries resulting from a difference of people, language, manners, customs, and politics.” They argued, further, that the geographical and relative situation of West Florida and the Mississippi Territory, which were separated by only an ideal boundary (31°), pleaded powerfully for a union of the two. The Hon. George Poindexter, the territorial delegate from Mississippi and chairman of the committee to whom this petition was referred, made a report (December 17, 1811), in which the committee recommended that Congress change the limits of Mississippi by adding to it all of West Florida, and by taking from it the region north of a line running through the mouth of the Yazoo, which region had been added to this Territory in 1804.*

138. A Compromise.—The recommendation of the committee was defeated, however, largely through the efforts

**American State Papers*, Vol. XXI., pp. 155 and 163-164.

of Governor Claiborne, who wrote the following letter to Mr. Poindexter:

"Success attend your efforts to bring in Mississippi, but I cannot approve your wish to attach the whole of West Florida. Had you proposed that Orleans Territory should extend eastward to Pearl River, and up to the thirty-first degree, and the district from the Pearl River to the Perdido, be attached to the Mississippi Territory, I should have made no opposition. But your demand for the whole is rather extravagant, and would be greatly injurious to the interests of Louisiana. I, myself, would prefer the Perdido for *our* eastern boundary, and there are strong reasons for the claim. But we will compromise and take as far as Pearl River, and leave to you the country on the Pascagoula and Tombigbee, and the custody of one of the great avenues of western commerce, the Mobile River."

By an act of Congress, approved April 14, 1812, this country was divided between Mississippi and Louisiana, the former receiving the part between the Pearl and Perdido rivers, and the latter that between the Pearl and Mississippi rivers. This was the last addition of territory to Mississippi, and embraced that part of the present States of Alabama and Mississippi south of latitude 31°. The importance of it to the two States cannot well be overestimated, since it gave them a frontage on the Gulf coast.

139. Colonel F. L. Claiborne.—In 1812 Governor Holmes ordered a certain number from each regiment of the territorial militia to meet at Baton Rouge. Here they were organized into a brigade and placed under the command of Colonel F. L. Claiborne.* In 1813 Colonel Claiborne was made brigadier-general, and in June of that year he was

* For a sketch of General Claiborne's life see Claiborne's *Mississippi*, p. 333 *et seq.* For an account of the Sabine Expedition see same, pp. 264-266, 309-314.

ordered to march to Mount Vernon, on the Alabama River, "to repel an attack that may be made on any part of the frontier of the Mississippi Territory, either from Indians, Spaniards or English." He reached Mount Vernon with his command of six hundred volunteers on July 30th, and found the people of that part of the Territory greatly alarmed over the prospects of a bloody war with the Creek Indians.

140. Sir William Dunbar.—The year 1810 ended the active life of this learned Mississippian. He was born in Scotland and educated in Glasgow and London. In 1773 he settled in what was then the British Province of West Florida, near Baton Rouge. He afterwards removed to a place nine miles south of Natchez and opened the celebrated plantation called "The Forest," where he lived more than twenty years. Although he was the most extensive and successful planter in the Natchez District, his greatest title to distinction rests upon the results of his scientific investigations. He was a member of the American Philosophical Society, and to Volumes V. and VI. of its *Transactions* he contributed fifteen articles, one of which was translated into the German and published at Leipsic. He numbered among his correspondents the foremost scientists of his time—Herschel, Hunter, Bartram, Rittenhouse, and Rush. The lasting results of his life work may be summarized as follows: (1) He helped to locate and to survey part of the present boundary line between Mississippi and Louisiana; (2) he introduced the use of circular rows in the cultivation of rolling land; (3) he invented the screw press for packing cotton, and helped to perfect the process of packing it in square bales; (4) he made the first accurate meteorological observations in the Valley of the Mississippi; (5) he made a critical study of the Mississippi River and its Delta; (6) he made important contributions

to geographical knowledge by determining the latitude and the longitude of many places; (7) he was the first to give a scientific account of the Hot Springs and an analysis of the water.*

141. Territorial Delegates in Congress.—The Hon. George Poindexter† represented the Territory of Mississippi in the tenth, eleventh, and twelfth Congresses (1807-1813). He was succeeded by Dr. William Lattimore, who served until the end of the territorial period. Through Dr. Lattimore's able efforts an act of Congress was passed March

* For a fuller account of the life of this great man, see Claiborne's *Mississippi*, pp. 143-145; Riley's *Sir William Dunbar, The Pioneer Scientist in Mississippi*, in *Publications of Mississippi Historical Society*, Vol. II., pp. 85-111.

It has been incorrectly asserted that this great scientist was the first man to direct the attention of the world to the manufacture of cotton seed oil. As early as 1783 a scientific society of Great Britain offered a gold medal to any planter "in any of the British Islands of the West Indies" who would manufacture a ton of cotton seed oil and make from the remaining seed "five hundred pounds of hard, dry cakes as food for cattle." This prize was offered annually from 1783 to 1789, inclusive. See *Transaction of London Philosophical Society*, Vol. I., p. 251, sec. 175; also, Vols. II., III., IV., V., VI., VII.

† Poindexter came to the Territory from Virginia, his native State, about the close of 1802. In less than a year he was appointed by Governor Claiborne attorney-general for the district west of Pearl River, and held this position until 1807. In 1806 he was chosen by the legislature as territorial delegate to Congress. In the year following he served as counsel for the United States in the prosecution of Aaron Burr. In 1808 he was re-elected territorial delegate by the citizens of the Territory. In the tenth Congress he made himself famous by his reply to the secession speech of Josiah Quincy of Massachusetts. His services in Congress continued until 1813, when he declined re-election and accepted a position on the supreme bench of the Territory. (See Claiborne's *Mississippi*, Chapter XXX. For an account of the legal and judicial history of the territorial period, see Goodspeed's *Memoirs of Mississippi*, Vol. I., pp. 102-111.)

1, 1817, providing that the western part of the Territory of Mississippi should be formed into the State of Mississippi.

142. Population of the Territory.—The census of 1810 showed the population of the Territory of Mississippi to be 42,352—almost five times as many as in 1800. By a third census, taken in 1816, the total population was represented to be 75,512,* of whom 45,085 were white, 366 free people of color, and 30,061 slaves. This rapid increase in population may be partly accounted for by the fact that the limits of the Territory were extended each time before another census was taken.

In 1816 there were three principal settlements in the Territory. The oldest and largest of these was on the Mississippi River, the next in size and importance was on the Tombigbee, and the other was on the Bend of the Tennessee. There were a few large settlements on Pearl River, but scarcely any of importance between that river and the Tombigbee. At this time the principal towns of Mississippi were Natchez, Washington, Mobile, and St. Stephens.

143. Creation of New Counties.—In 1809 the territorial legislature created four new counties—Wayne, Warren, Franklin, and Amite. Three years later (1812) the newly added Gulf Coast region was organized into the counties of Jackson and Hancock. In 1814 Lawrence county was formed out of a part of Marion. The following year Pike county was organized.

Summary

1. In 1808 the qualifications for voting were changed, and the general assembly was authorized to apportion the representation of the counties. The election of the delegate to Congress was taken from the assembly and bestowed upon the citizens of the Territory.

**American State Papers*, Vol. XXI., p. 408.

2. The principal events of Governor Holmes' administration (1809-1817) were (1) the successful revolt of West Florida against Spanish rule; and (2) the extension of the limits of the Territory over part of West Florida.

3. Sir William Dunbar, a citizen of Mississippi in the territorial period, rendered many valuable services to the country.

CHAPTER XVI

WAR WITH THE CREEK INDIANS AND THE BRITISH

144. The Creek War (1813).—In the summer of 1811 Tecumseh, the great chief of the Shawnee Indians, crossed the Ohio with twenty armed and mounted warriors and visited the Chickasaws, Choctaws, Creeks, and Seminoles, to get them to form an alliance with a view of going to war against the United States. In the many councils which he held with these tribes, he declared that they must unite in order to preserve their homes and their lands against the white people. He urged the importance of joining the British in the war that was inevitable. At a grand council of the Creek nation (October, 1811), he made a very impressive speech to the Creeks. This speech, in connection with several other exciting causes, so acted upon the war-like spirit of the Creeks that by the summer of 1813 a large part of their nation took up arms against the Americans.*

But the zeal of Tecumseh and the strong arguments which he used had no effect on the Chickasaws and Choctaws, who not only refused to join the hostile Creeks, but gave aid to the Americans when the conflict came. If they

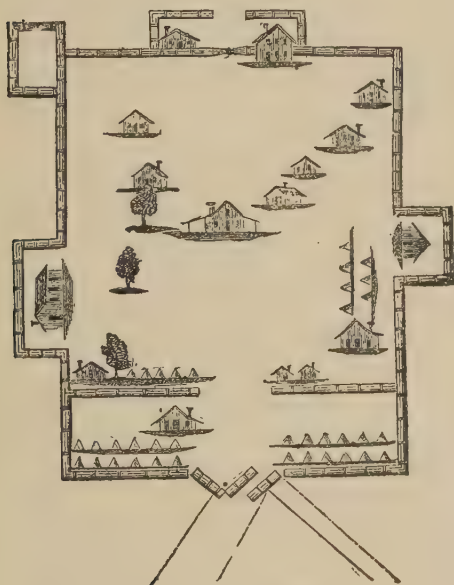
* For fuller accounts of the causes of the Creek War and the battles that took place, see Halbert and Ball's *Creek War of 1813*, pp. 25-281; Claiborne's *Mississippi*, Chapters XXVII. and XXVIII.; Claiborne's *Life of Sam Dale*, Chapters IV. to VIII.; Hamilton's *Colonial Mobile*, Chapter XLIII.; Pickett's *History of Alabama*.

had done otherwise the whole southern frontier would soon have been drenched in blood. The people of Mississippi and Alabama should never forget that when their forefathers were the pioneers of American civilization in "the old historic Southwest," they were befriended by the powerful Choctaw nation, who, according to their national tradition, have never shed the blood of white men in war.

145. Battle of Burnt Corn.—Early in July, 1813, a body of Creek warriors went to Pensacola, where they received from the Spanish governor lead and powder for use against the Americans. The inhabitants along the Tombigbee and Tensaw rivers became greatly alarmed at the warlike bearing of the Creeks, and abandoned their homes to seek protection in the forts along the Tombigbee and the Alabama. A body of militia which prepared to stop the Creeks on their return, came upon them near Burnt Corn Creek. Here a battle was fought (July 27, 1813), in which the Indians were victorious. After this fight the Indians returned to Pensacola, obtained more guns, powder, and lead, and went back to their own country. A council was then held, at which they decided that they would attack Fort Mims and Fort Sinquefield (sĭnk'fĭeld) at the same time.

146. Massacre at Fort Mims.—On the last day of August, 1813, a wounded negress, worn out by the exertions of a long canoe voyage, appeared before General Claiborne at Fort Stoddard, and told him of the most cruel and bloody massacre in the history of Mississippi. A little over a month had passed since the battle of Burnt Corn. The people along the Little and Tensaw rivers had gathered for safety about the residence of Samuel Mims, one mile from the Alabama River and two miles below the Cut Off. They had built a stockade, enclosing about an acre. Here were collected five hundred and fifty-three people, two hundred

and sixty-five of whom were soldiers. Unfortunately for the safety of these people, Major Daniel Beasley, a citizen of Jefferson county, was placed in command of this fort. Although he was a brave man, he was overconfident, and ignored the repeated warnings of the most experienced and cautious backwoodsmen. He refused to keep the gate of



PLAN OF FORT MIMS

the fort closed, even after having been urged by General Claiborne, his superior officer, to prepare for an attack. On the morning of August 30, 1813, Major Beasley wrote to General Claiborne, stating that he had just improved the fort and made it much stronger. Two hours later he wrote another note in which he said that he was able to hold the fort against

any number of Indians. Scarcely had the bearer of these two notes left, when a friendly Creek half-breed was seen rapidly approaching on horseback from the north. He stopped at the gate of the fort long enough to tell Major Beasley that the Indians were coming. The commander refused to believe the report. The brave horseman offered to stay and help the people fight if they would prepare for the battle, but as Major Beasley gave him no encourage-

ment, he galloped away, leaving them to their terrible fate. The noise of his horse's hoofs had hardly died away, when the drum-beat sounded for dinner. Several hundred Creek warriors, who had waited for this signal, rushed for the open gate and were within thirty steps of it before they were seen. Major Beasley, more brave than cautious, ran to close the gate and fell, riddled with bullets. In the few hours that followed, more than half a thousand men, women, and children fell victims to the terrible fury of the savages. The colored woman that bore the sad news of this massacre to General Claiborne was one of the thirty-six that escaped from the fort alive.

147. Effects of the Massacre at Fort Mims.—The news of this terrible slaughter caused great alarm throughout the country. The people of the neighboring settlements fled to the stockades for protection, leaving their crops in the fields. The legislature of Tennessee immediately issued a call for thirty-five hundred men, in addition to the fifteen hundred already in the service of the United States. This force was put under the command of General Andrew Jackson. Another army entered the Creek country from Georgia. The inhabitants of the Mississippi Territory were equally aroused. Within three days after Governor Holmes had called for volunteers, Captain Dougherty, with a force of sixty, reported for duty and left at once for the seat of war. Next day Captain Bullen and Captain James Grafton were ready with two more companies; and on the fifth day Captain Kemp, with a fourth company, set out for the war. Four companies of cavalry under the command of Colonel Thomas Hinds also went to the front. These were all united at Mount Vernon, and placed under the command of General Claiborne.

148. "Panic" on the Mississippi.—At the door of a schoolhouse in Jefferson county, Mississippi, shortly after

the massacre at Fort Mims, the announcement was made that the Indians were coming. Colonel John A. Watkins, who was a pupil in the school at that time, afterwards wrote an account of the "Great Mississippi Panic of 1813." In this he says that at first vague rumors were whispered about that the Creeks and Choctaws were on their way to destroy the settlements along the Mississippi. According to these rumors, which quickly spread and grew, the Indians were soon within eighteen miles of Port Gibson, and drawing rapidly nearer. The alarm spread everywhere, and runners were sent in every direction, warning the inhabitants, and telling them to seek safety in flight. The family of young Watkins was quickly on the road, and was soon joined by twenty or more other families. In describing this caravan, he says, "The scene was ludicrous beyond description. Here three white-haired urchins were pelting an old plow-horse into a fast walk; while there a young mother, similarly mounted, was carrying a child in her lap, while two others were holding on tightly to avoid a fearful tumble; while further on, a rickety old cart, drawn by two stalwart oxen, was loaded with beds, boxes, and children thrown together by chance—the latter crying lustily to be released from their vile imprisonment, while the rod was occasionally applied to keep them quiet." At length a scouting party was sent to Port Gibson to get correct information about the Indian invasion, if possible. It found the place almost deserted, only one merchant having remained behind. The scouts were convinced that the reports were false, and hastened to overtake their families, reaching them just at sundown. Many of the families returned to their homes at once, but some of them went on until they reached the town of Washington, the territorial capital. Although there was little cause for alarm, this panic was evidently no trifling affair.

149. Attack on Fort Sinquefield.—On September 1, 1813, two days after the massacre at Fort Mims, twelve women and children were murdered and a house was robbed near Fort Sinquefield. While the sad inmates of the fort were burying those who had been slain the day before, the savages, after trying in vain to get between them and the fort, made a desperate assault on the fort itself. This battle resulted in the loss of one man and one woman in the fort and the death of a large number of savages.

150. Choctaws and Chickasaws Help the Americans.—In the latter part of September, a body of Choctaws and Chickasaws made an expedition against the Creeks and burned their deserted town situated at the Falls of the Black Warrior. Early in October, 1813, Pushmataha (pūsh ma tā'hä), an influential Choctaw chief, and one hundred and thirty-five of his warriors joined the American army at Fort St. Stephens.

151. Pushmataha.—This celebrated warrior was made lieutenant-colonel of the army of the United States in 1813. He was then about forty-eight years of age, and had been a warrior of prominence in his nation for more than a quarter of a century.

When the Creeks invited the Choctaws to meet them in a council in July, 1813, near the present town of Pushmataha, in Alabama, they tried in every way to induce the Choctaws to unite with them, but it is said that Pushmataha spoke the greater part of two days trying to persuade the Creeks not to undertake the war. In September he assembled his nation in a great council, at which over five thousand Choctaws were present. He made an eloquent speech, in which he said:

“ You know Tecumseh. He is a bad man. He came through our nation, but he did not turn our heads. He went among the Muscogeas, and got many of them to join

him. You know the Tensaw people; they were our friends. They played ball with us. They sheltered and fed us, whenever we went to Pensacola. Where are they now? Their bodies rot at Sam Mims' place. The people at St. Stephens have also been our friends. The Muscogeese intend to kill them, too. They want soldiers to defend them." He here drew his sword and, flourishing it, added: "You can all do as you please. You are all free men. I dictate to none of you. But I shall join the St. Stephens people. If you have a mind to follow me, I will lead you to glory and to victory." A warrior rose up, slapped his hand upon his breast, and said: "I am a man! I am a man! I will follow you!"

Pushmataha enlisted four companies of Choctaws and reported at St. Stephens for duty a few days later. He was made lieutenant-colonel, and was treated with the respect due his rank. The Americans had a high regard for his ability, and considered the Indian General, as they called him, a valuable ally. In 1824 he visited Washington in company with the most celebrated men of his nation to see the great White Father. After his arrival he heard that General Lafayette was there on a visit to the United States and expressed a desire to see this great hero of the Revolution. After a long conversation the celebrated chief said to him at parting: "We have heard of you in our distant villages, we longed to see you, we have come, we have taken your hand. For the last time we look on the face of the great warrior whose fathers were the friends of our fathers. We go; it is the last time we shall meet; we shall both soon be in the land of shadows." These closing words were strangely true; for the great chief died a few days after they were uttered. His last words were: "When I am dead, fire the big guns over me." This request was carefully observed, and his remains were buried "amid the roar of artillery and the music of muffled drums." His

last words were carved upon his tomb. "Thus closed the career of one," says Claiborne, "who in civilized life would have adorned the Senate, and been regarded by posterity as we now regard the heroes of antiquity; a man of the noblest attributes, who had it in his power to depopulate our territories, but whose arm was always extended for the protection of the whites."*

152. The Canoe Fight.—One of the most remarkable feats of bravery in the history of the Southwest was the celebrated canoe fight which occurred (1813) on the Alabama River. In this fight three men in a frail dugout



THE CANOE FIGHT

attacked and killed nine Indian warriors in a large canoe. The leader of the attacking party was General Sam Dale, the daring frontiersman, whose services in war and in peace

* Claiborne's *Mississippi*, pp. 514-515; Claiborne's *Life of Sam Dale*; Hamilton's *Colonial Mobile*, pp. 343, 370, 371; Halbert's *Creek War Incidents in Transactions of Alabama Historical Society*, Vol. II., pp. 95-119; McKenny and Hall's *American Indians*.

have won for him an honored place in the history of Mississippi.

153. Battle of the Holy Ground.—After much hesitation General Claiborne's request for permission to advance into the Creek territory was granted by his superior officer at Mobile. General Claiborne determined to attack the enemy in their stronghold, known as the Holy Ground, situated on the Alabama River about one hundred and twenty miles northeast of Fort Claiborne. Although some of the officers objected to undertaking such an expedition, they received his final decision without complaint. General Claiborne himself said that many whose term of service had expired, and who had not received a dollar of their back wages, volunteered for the expedition, and cheerfully moved to their places in the line. These brave men were exposed in the swamps and canebrakes to the winter weather; were without tents, warm clothing, shoes or food; were nine days without meat, and lived chiefly on parched corn, but they won an important battle, and endured without a murmur the hardships of the service.

The Holy Ground was the place of refuge for the Creeks in this war. It was the home of the principal prophets of the nation, and the Indians believed that no enemy could enter its sacred limits without falling dead. It was called the "Grave of White Men."

On December 23, 1813, the Americans, in company with Pushmataha and his warriors, attacked this stronghold. After making a desperate resistance those who were still living fled in dismay, leaving behind them much booty, to the delight of Pushmataha's warriors. Among other things was found a letter from the Spanish governor at Pensacola, congratulating the Creek chiefs on the victory at Fort Mims, and a tall pole on which were three hundred scalps that had been taken by the Creeks in that massacre.

The army returned to Fort Claiborne, and the Mississippi volunteers, who had served longer than the time for which they had volunteered, were mustered out of service, with eight months' pay due them. They then began their weary journey to their homes on the Pearl, the Amite, and the Mississippi, without having received a cent of pay. Pushmataha and his brave warriors were also mustered out and returned to their homes, singing their savage war song and dancing their scalp dance in every Choctaw village through which they passed.

154. Other Campaigns of the War.—While this war was raging in the Territory of Mississippi, other campaigns were being conducted against the same enemy by General Floyd and General Jackson. The battle of the Holy Ground practically put an end to the fighting in Southern Alabama. The struggle was continued, however, on other fields in this Territory, with results even more fatal to the brave warriors of the Creek nation. After the bloody battle of Horse Shoe Bend (March 27, 1814), the war ceased, and the enemy was forced to sign a treaty which gave to the United States a large part of their land, and thus opened to immigration that part of the Territory of Mississippi which embraces half of the present area of Alabama.

155. Mississippians in the War of 1812.—In 1814 Colonel Thomas Hinds, with his battalion of Mississippi dragoons, was ordered to join General Jackson, who had just gained a great victory over the Creeks at Horse Shoe Bend. General Jackson then advanced into Spanish territory in order to dislodge the British troops under General Pakenham and the Indian refugees from the Creek War, who were then at Pensacola by the consent of the Spanish governor. He captured Pensacola, forcing the British to withdraw, and the Indians to flee to the woods. Feeling

assured that the British would make an attack upon New Orleans, General Jackson then started for the defence of that city and ordered Colonel Thomas Hinds' Mississippi Dragoons to join him there. This order was promptly obeyed, and the Mississippi troops reported for duty at New Orleans (December 23, 1814).

General Pakenham had gone to Ship Island, where he had ordered the British warships in the Gulf to join him, for the purpose of making an attack on New Orleans. He built a number of small boats, with which to pass over the shallow waters of the lakes, and, leaving his men-of-war in the harbor of Ship Island, advanced toward New Orleans (December 12th). He was met at the entrance of Lake Borgne by five small gunboats, which had been sent out by General Jackson, and the battle of Lake Borgne followed. The British captured the gunboats, went across Lake Borgne, and landed on its western shore just below New Orleans.

156. Battle of New Orleans.—On January 8, 1815, a battle was fought on the field of Chalmette,* resulting in a great victory for the Americans. In a report of this fight, General Jackson said: "The cavalry from the Mississippi Territory, under their enterprising leader, Major Thomas Hinds, was always ready to perform every service which the nature of the country enabled him to execute. *The daring manner in which they reconnoitred the enemy on his lines excited the admiration of one army and the astonishment of the other.*" Captain James C. Wilkins, at the head of a company of Natchez riflemen, reached the scene of conflict after the battle had begun, but rendered valuable service. We are told that the citizens of Wilkinson county went in such large numbers to defend New Orleans that the county

* Claiborne's *Mississippi*, pp. 342-346; Goodspeed's *Memoirs*, Vol. I., p. 181.

had to require some of the men to remain at home for police purposes.

This was only one of the many battles in which the troops from Mississippi (2,500 or 3,000 in number) took part in this war against England.

Summary

1. When the war between the United States and England began in 1812, Tecumseh conceived the idea of enlisting the help of the Indians with the latter country, thus destroying the power of the United States. The Creek and the Seminole Indians, who had received ammunition from the Spanish authorities at Pensacola, were attacked at Burnt Corn Creek, where the first battle of the war was fought in 1813.

2. The massacre by the Indians of over five hundred men, women, and children at Fort Mims (August 30, 1813) greatly alarmed the white people of the Mississippi Territory, and caused a large number of soldiers to hasten to the scene of hostilities.

3. An attack was made by the savages on Fort Sinquefield (September 2, 1813), which resulted in the loss of one man and one woman in the fort and in the death of a large number of Indians.

4. In the latter part of September, 1813, the Choctaws and Chickasaws made an expedition against the Creeks, and early in the following month one hundred and thirty-five Choctaw warriors under the command of Pushmataha joined the American forces at Fort St. Stephens.

5. On December 23, 1813, the Americans and Choctaws attacked and destroyed the Holy Ground of the Creeks, who fled in dismay. This victory practically put an end to the fighting in the southern part of the Mississippi Territory.

6. A battalion of Mississippi troops under Major Thomas Hinds participated in the attack on Pensacola and in the defence of New Orleans.

CHAPTER XVII

PROGRESS OF THE TERRITORY OF MISSISSIPPI
(1798-1817)

157. Early Roads of Mississippi.—For some time the Territory of Mississippi was hindered in its development because of the lack of good roads. The western part of the country was reached by travelers from other parts of the United States almost entirely by way of the Mississippi River and its eastern tributaries. As the ascent of these streams was very slow and laborious before the invention of the steamboat, the means for getting from Mississippi to other parts of the Union were very bad. Overland travel, by way of the Indian paths or trails, leading through the wilderness held by savages, was scarcely less inviting to the traveler who wished to go from Mississippi to Tennessee or Georgia. In 1801 the United States made treaties with the Choctaws and Chickasaws by which an important road, the Natchez Trace, was opened for the safe passage of travelers through their country. This road, which connected Natchez with Nashville, Tennessee, is the most historic thoroughfare in Mississippi. It was originally an Indian trail, and for many years after this treaty was little more than a bridle-path. It was a post-road as early as 1796 or 1797. At that time the post was due in Natchez ten days and four hours after leaving Nashville.

This road ran through or near the present towns of Washington, Port Gibson, Raymond, Clinton, Kosciusko, Houston, and Pontotoc, and crossed the Tennessee River a few miles below Muscle Shoals.

The settlements on the Tombigbee were more cut off from the outside world than were those on the Mississippi,

being separated from the latter by the Choctaws, from Georgia by the Creeks, from Tennessee by the Cherokees, and from the Gulf by the Spaniards. By a second treaty with the Indians another trail, leading from Knoxville to the Tombigbee, was widened into a road, thus making traveling easier. A third road was opened (1805) from Milledgeville, Georgia, to Natchez by way of St. Stephens and Monticello. In 1807 this route was widened into a wagon road, and soon became the chief thoroughfare for immigrants coming from Georgia to the eastern and central parts of Mississippi. It was called the "Three Chopped Way," from the method of blazing the trees from Natchez to Georgia. The United States post passed over it every three weeks.

In accordance with an act of Congress, passed April 27, 1816, a thoroughfare, known as "Jackson's Military Road," was built through Mississippi (page 148). It extended from Madisonville, Louisiana, to a point twenty-one miles north of the Tennessee River, which it crossed near the Muscle Shoals. The work, which was done under the direction of the War Department, occupied a period of over two years (June, 1817, to January, 1820). This road, parts of which are still in use, proved to be of great benefit to the State.

Mr. Hamilton has forcibly said that "the daring of hunters and pioneer explorers baptized these ways in blood and enriched them with romance, while the toilsome journeys of our immigrant fathers moving families and belongings to a southern clime, in search of happier homes and fortunes, should make these ways sacred to remotest generations."*

158. Methods of Traveling and of Moving.—As overland immigrants and travelers were forced to adapt themselves

**Transactions of Alabama Historical Society*, Vol. II., pp. 39-56.

to the roads, only two methods of travel were possible at an early date. These were on foot and on horseback. It is said that Kentucky boatmen, returning home on foot after selling out their flatboats and cargoes in New Orleans or Natchez, often made wagers to beat the post to Nashville, and generally won. Walking Johnson, the greatest pedestrian of his day, beat the post between Natchez and Nashville three times. Alexander Wilson,* who made a trip over this road from Nashville to Natchez (1810), said that he met every day from forty to sixty boatmen returning from Natchez and New Orleans. While these roads were bridle-paths immigrants were forced to move by means of pack-horses.

Rolling hogsheads were also frequently used. They were filled with the clothing and other things to be carried, and to them were attached shafts or poles in the same way as to tobacco hogsheads. They were drawn by horses or by oxen.

The roads were finally widened so as to permit the passage of wagons. This method of moving was attended by many difficulties. One pioneer said that upsets and breakages were his daily experience, and that long before he reached the end of his journey he wished that he had not been born.† A traveler who passed over the Natchez Trace on horseback as late as 1810, says that the difficulties he had encountered could not be imagined by those who had never passed over the road.

During the territorial period there were no public conveyances for carrying travelers except by water. There was not a stage line in the entire Territory. One was

*Alexander Wilson was the great father of American Ornithology.

†Hamilton's *Early Roads of Alabama*, in *Transactions of Alabama Historical Society*, Vol. II., pp. 39-56.

established early in the century between New Orleans and Baton Rouge, but was stopped because it did not pay.

159. River Communication.—Natchez was the great center of trade in Mississippi during the territorial period. Governor Claiborne, in writing to the secretary of state from that place in 1801, says: "The river front here is thronged with boats from the west. Great quantities of flour and other products continually pass."

In 1803 the value of this great water way was considerably reduced by many spiteful regulations of the Spanish governor of Louisiana. In December of that year Governor Claiborne wrote that 'American products are permitted to be received by vessels lying in the middle of the stream at New Orleans, but the landing of produce is strictly forbidden.' He wrote again the following year that there were many vessels lying at New Orleans in the stream waiting for freight and several on their way to Natchez to load with cotton. After the purchase of Louisiana by the United States, these drawbacks to commerce on the Mississippi no longer existed, and that river developed into a great thoroughfare of trade. Previous to 1813 the American settlers on the Tombigbee chafed under the regulations of the Spanish government upon their only water outlet to the Gulf. These regulations greatly hindered the progress of that part of the Territory.* In 1813 and 1814 the British interfered very much with the commercial development of the Territory by stationing warships outside of ports on the Gulf to keep vessels from coming in or going out.

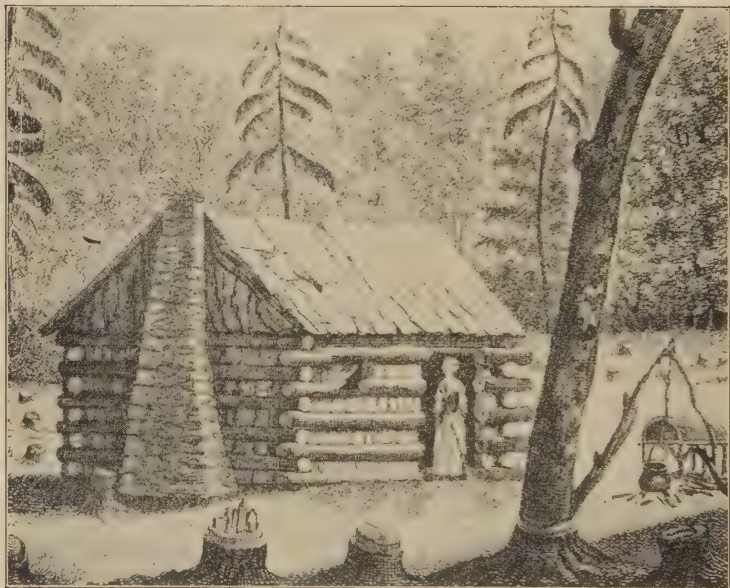
The year 1811 marks a new era in the history of transportation on the Mississippi River. In the latter part of

* Claiborne's *Mississippi*, pp. 223, 243.

this year the "New Orleans," the first steamboat* that was ever launched on western waters, descended the Ohio and the Mississippi from Pittsburg to the city after which it had been named. At Natchez it was greeted by hundreds of spectators, and took on passengers and its first freight. For three years it ran regularly between Natchez and New Orleans, making a trip down stream in three days and returning in four. It cost \$38,000 and cleared \$20,000 for its owners the first year. It was sunk in the winter of 1814 while engaged in carrying reinforcements and supplies to General Jackson's army at New Orleans. By this time, however, three other steamboats were running regularly on the Mississippi. Through the efforts of Mr. Poindexter, Congress forbade the city of New Orleans "from exacting any tax or duty on vessels, boats, or other craft descending the River Mississippi." A drawback to the prosperity of Mississippi in common with that of many other States was

* Before the invention of the steamboat, flatboats and keel-boats were principally used for carrying produce to market. The first of these were called "Kentucky boats," or "arks," and resembled the arks seen among children's toys. They were built only for the down stream voyage, the cost of construction being about twenty dollars. At the end of the voyage they were sold for lumber. The roofs were slightly curved to turn off the rain. Large oars or paddles were used to direct their course while they floated with the current. They were used not only to carry horses, hogs, cattle, etc., to market, but to transport the families, domestic animals, fowls, etc., of the immigrants who settled along the river. The keel-boat was a long, slender boat of small draught. It was propelled by oars, sails, setting poles, etc. In high water it was frequently carried upstream by means of "bush-whacking" or pulling the bushes that stood along the margin of the river. Pine rafts, scows, or "sheds," and pirogues were also used by immigrants and travelers. See Gould's *Fifty Years on the Mississippi*, pp. 189-199; also Goodspeed's *Memoirs of Mississippi*, Vol. I., p. 63.

thus removed. Two years later the legislature of Louisiana attempted to give the sole right of steamboat transportation on the river to one company, but this was defeated by a ruling of the Supreme Court (1817). Immediately after this, steamboat companies were organized at Natchez and



PRIMITIVE LOG HOUSE

at other places, and a new impulse was given to transportation on the Mississippi.

160. Manufacturing.—During the territorial period agriculture was almost the only industry of the people along the Mississippi River. In 1812 there were only one carding machine, 22 mills with 807 spindles, and 1,330 private looms at work in the Territory. These made annually 342,472 yards of cotton, 450 yards of linen, and 7,898 yards

of woollen cloth. There were also at that date ten tanneries, six distilleries, and one tin-shop in the Territory. The first sawmill in Mississippi was erected in 1807, near the town of Washington by Eleazer Carver, a gin-wright. Hats were made at Union Town, in Jefferson county, at an early date. They were generally traded to the settlers for raccoon skins.*

161. Agriculture.—Along the Mississippi there were many large plantations upon which cotton was cultivated, largely by slave labor. In 1799 Sir William Dunbar wrote that he had cultivated this product with great success, and that it was by far the best paying crop that had ever been raised in this country. Two years later Governor Claiborne wrote: 'I have heard it said by our business men that the total sales of cotton this season will exceed \$700,000, a large revenue for a people whose numbers are about 9,000, of all ages and colors. Labor is more valuable here than elsewhere in the United States, and industrious people soon get rich.'† Bermuda grass was introduced when Cowles Mead was acting-governor of the Territory.

The inhabitants of the eastern part of Mississippi were engaged chiefly in stock-raising. They raised immense herds of cattle, which lived entirely upon the coarse grass and reeds that grew abundantly among the tall long-leaved pines and along the small creeks and branches in this section. Through these almost endless pine forests the deer were numerous and the canebrakes full of bears. The inhabitants, therefore, combined the pursuits of hunting and stock-raising.‡

* Goodspeed's *Memoirs of Mississippi*, Vol. I., pp. 175-188; Vol. II., p. 104.

† Claiborne's *Mississippi*, p. 223.

‡ Spark's (W. H.) *Memories of Fifty Years*, p. 331.

162. Frontier Life.—The typical frontier settler in Mississippi, as elsewhere, was “the man of the axe and rifle.” He lived with his wife and his swarming children on a big tract of wooded land, perhaps three or four hundred acres in extent, and far removed from all other settlers. Of this domain not more than eight or ten acres were cleared and in cultivation. Here he lived a life of rugged yet independent ease, using his rifle to add to his slender stock of food got from the badly cultivated soil. His home was a log cabin, with only one room, or at most two, and a loft.*

163. Slavery.—In 1800 Sir William Dunbar wrote to David Ross, a prominent and wealthy man of Richmond, Virginia, as follows:

‘With regard to the condition of slaves, there is no country where they are better treated. They are supplied with summer and winter clothing of good materials, heavy blankets, and hats, and shoes. This is a fine country for stock, and it is easy to ration our hands with plenty of pork and beef. They are often allowed to raise hogs for themselves, and every thrifty slave has his pigpen and henhouse. They have as much bread, and usually as much milk and vegetables, as they wish, and each family is allowed a lot of ground, and the use of a horse for raising melons, potatoes, etc. In the cotton-picking season all they gather over the usual task they are rewarded for. . . . They have no night work, and are provided with comfortable quarters and the unrestricted use of fuel. . . . Slavery can be defended, perhaps, only on the ground of expediency, yet where it exists, and where the slaves so largely outnumber the whites, you must give almost absolute power to the master. If this principle be not admitted the alternatives are insurrection, with all its horrors, or emancipation, with all its evils.’

* Roosevelt's *The Winning of the West*, Vol. IV., p. 223.

As early as 1802 an unsuccessful attempt was made to limit the bringing of slaves into the Territory. In writing on this subject in 1802 Governor Claiborne said: "This class of population is increasing rapidly, and will sooner or later be a great public evil. But the culture of cotton pays so well, and personal labor is so valuable, it creates such a demand for negroes that we shall soon be overrun from the older States, and probably by the most abandoned of that unfortunate race."*

164. Condition of the Territory at the Close of the War of 1812.—Before the outbreak of the war with Great Britain cotton sold readily for fifteen cents a pound. This led many of the planters on the Mississippi to plunge recklessly into debt for land and slaves. The war reduced the price of cotton to seven or eight cents. To render the unhappy condition of the people still more pitiable, the crops failed for several years in succession, and the river lands were subjected to three annual overflows. Many of the most able-bodied men left the farm for the field of battle. Property was soon reduced to one-half of its former value. Besides this, the legislature of the Territory passed several acts that had an injurious effect on the country. As the inhabitants of the Tombigbee Valley were forced to leave their homes and their ungathered crops in order to find protection from the savage warrior, their condition was even more distressing than that of their neighbors in the western part of the Territory.†

165. Money and Banking.—Spanish money was largely used by the people of Mississippi in the territorial period. By an act of the territorial legislature receipts for cotton delivered at public gins were made to supply the demands for money previous to 1809. In that year the Bank of

* Claiborne's *Mississippi*, p. 224.

† Claiborne's *Mississippi*, pp. 331, 332.

Mississippi was chartered for a period of twenty-five years, and received authority to put into circulation currency notes or bills. This bank was wisely conducted by private individuals until 1818, when its powers were increased, and it became the first Bank of Mississippi.*

166. Printing and Newspapers.—We are told that the first printing done in Mississippi was by Colonel Andrew Marschalk, Sr., at Walnut Hills (Vicksburg). He first printed a ballad, "The Galley Slave," the work being done on a small press which he carried to that place with him in 1797 or 1798. The largest sheet this press could print was 4x6 inches. He afterwards built for himself a press which was large enough to print a foolscap sheet 11x14 inches, and upon this he printed at Natchez the laws of the newly organized Territory of Mississippi. According to Colonel Marschalk's account, he sold this press to Ben M. Stokes, who began (1799) in Natchez and continued for some time the publication of the *Mississippi Gazette* on a foolscap sheet. The next year a gentleman from Baltimore began the publication of another paper in Natchez, but soon failed, his press falling into the possession of James Ferrell, who, with a gentleman by the name of Moffat, published a third paper in Natchez for a short time. In 1802 Colonel Marschalk began to publish the *Mississippi Herald* at Natchez. As early as 1810 seven papers were published in the Territory. Two years later the *Republican* was first issued by Ludwick Hall at Liberty, in Amite county. In 1813 Colonel Marschalk began the publication of the *Woodville Republican*.†

167. Education.—In 1810 a Presbyterian minister by the name of Rev. David Ker started in Natchez the first public

* Claiborne's *Mississippi*, p. 300.

† See Goodspeed's *Memories of Mississippi*, Vol I., pp. 174, 184; II., 242-244; also the *Mississippi Free Trade* for August 16, 1838.

female school in Mississippi. He was born in Ireland, though his parents were Scots. His wife and daughters, who were ladies of culture and refinement, were his assistants.

In 1802 the territorial legislature chartered Jefferson College, which was named after Thomas Jefferson, President of the United States and president of the American Philosophical Society. This act is noteworthy not only because it created the first institution of learning, but because its charter was the first that was granted by the



JEFFERSON COLLEGE IN 1900

legislature for any purpose in Mississippi. It was located in the town of Washington, where it first opened its doors to students in 1811. Although it has probably never granted a student an academic degree, it still exists in a flourishing condition, highly honored for its past history and its present usefulness.*

* Maye's *History of Education in Mississippi*, pp. 23-37.

Eight educational and literary institutions were chartered by the legislature in the territorial period. Four of these were in Wilkinson county and one each in Adams, Amite, Claiborne, and Jefferson.*

In the thinly settled sections of East Mississippi the population was too much scattered to collect the children into a neighborhood school, and the people were too poor to employ private teachers. The children did not, therefore, enjoy even the few opportunities for getting an education that were within reach of those in the western part of the Territory.†

Summary

1. In 1801 a treaty between the United States and the Indians opened the "Natchez Trace" from Natchez to Nashville to the safe passage of travelers; a second Indian treaty converted an old trail leading from Knoxville to the Tombigbee into a road; and a third road was opened from Milledgeville, Georgia, to Natchez. This was widened into a wagon road in 1807.

2. Only two methods of travel were possible at an early date—on foot and on horseback. Rolling hogsheads were frequently used in moving. The roads were finally widened so as to permit the passage of wagons.

3. The restrictions upon the navigation of the Mississippi that had been imposed by the Spanish authorities of Louisiana were removed upon the purchase of that country by the United States; the descent of that river by the "New Orleans," in 1811, marks the beginning of steam navigation in the west.

4. During this period agriculture was the principal occupation in the western part of the Territory, and cotton was largely cultivated along the Mississippi by slave labor. The inhabitants of what is now the eastern part of the State of Mississippi followed the combined pursuits of hunting and stock-raising.

5. In the Mississippi Territory slaves were generally well

* Hutchinson's *Code of Mississippi*, pp. 245-247.

† Spark's (W. H.) *Memories of Fifty Years*, p. 331-332.

treated, and as early as 1802 the increase of this class had become a source of concern to Governor Claiborne.

6. During the War of 1812 the planters of Mississippi suffered from many unfavorable circumstances, which resulted in widespread ruin.

7. Spanish coins and cotton receipts constituted the first currency of Mississippi Territory. The Bank of Mississippi was chartered in 1809 for a period of twenty-five years.

8. In 1797 or 1798, Colonel Andrew Marschalk, of the United States army, printed a ballad at Walnut Hills (Vicksburg). In 1799, the *Mississippi Gazette*, the first newspaper printed in Mississippi, was first issued at Natchez.

9. In 1801 the first public female school in Mississippi was started at Natchez, and the year following a charter was granted to the first educational institution established by legislative authority (Jefferson College). The widely scattered population of East Mississippi could not supply any educational advantages during this period. •

EPOCH VI

IN THE UNION (1817-1861)

Period I.—Under the Constitution of 1817

CHAPTER XVIII

PREPARATIONS FOR STATEHOOD

168. Early Ambitions.—As early as January 9, 1811, Mr. Poindexter made an unsuccessful attempt to induce Congress to authorize the people of the Mississippi Territory to form a State government. At that time it was asserted that the Territory had a population of about 45,000, and that it would probably have the required number (60,000) by the time a State government could be organized. Other similar attempts were made from time to time by Mr. Poindexter and Dr. Lattimore, the delegates from Mississippi Territory in Congress. These efforts failed, however, because of the vastness of the country which they proposed to form into a State. The western part of the Territory was ambitious to become a State that by its size would exert a great influence in national affairs, and thus command the respect of the entire Union. Many of the inhabitants of the eastern part of the Territory opposed this ambition, because they foresaw a conflict between the interests of the Mississippi and the Tombigbee basins; besides they had no reason for expecting the passage of satisfactory laws by a legislature, a majority of whose members were elected by the people who lived near a rival channel of commerce.*

* For fuller discussion of this subject, see Riley's *Boundaries of Mississippi*. In *Publications of Mississippi Historical Society*, Vol. III.

169. Division of the Territory.—The inhabitants of the Tombigbee basin lived so far from the territorial capital that, as early as 1803, they demanded a separation from the western part of the Territory. This demand was satisfied for a time by putting that part of the Territory into a new judicial district, of which Harry Toulmin was made judge. In 1809 the question of separation was brought up again, and a petition from the inhabitants east of Pearl River was presented to Congress praying for a division of the Territory. Mr. Poindexter opposed this petition, saying that “there were three parties who must, by the law for the government of the Territory, consent before the Territory of Mississippi could be divided. One party was the Mississippi Territory, the other the State of Georgia, and the third the United States.” As none of these parties had consented, he contended that there should be no legislation whatever on the subject.* Since one of the conditions upon which Georgia had given up her claim to Mississippi was that the Territory should finally become a State, her permission was necessary before the country could be divided into two States. This permission was granted by an act of the legislature of Georgia in 1812. In the meantime Mr. Poindexter had failed in his plan to add to Mississippi all of the newly acquired district of West Florida and to divide the Territory by a line running east from the mouth of the Yazoo River ($32^{\circ} 30'$). He succeeded, however, in adding that part of West Florida between the Pearl and the Perdido rivers, but in so doing he strengthened the argument for a division of the Territory, and lost the hope of making a division by a line from east to west. From this time until the division was finally authorized by Congress, in 1817, this subject agitated the people of the

**Abridgments of Debates of Congress*, Vol. III., p. 85; Vol. IV., p. 141.

Territory, and had a marked influence upon their elections. On December 29, 1815, Dr. Lattimore, in behalf of a committee appointed to consider a petition from the legislature of Mississippi, recommended that the Territory be admitted as a State without a change of boundary. When this bill had met the same fate in the Senate as had all other similar bills, Dr. Lattimore consented to a division of the Territory.

170. Pearl River Convention.—As the people who opposed a division of the Territory formed a majority of its population, they elected the delegate to Congress. The opposing party was therefore forced to use other means in order to get its wishes before Congress. In 1816 it held a convention at the house of John Ford on Pearl River. This was called the Pearl River Convention. It was attended by representatives from the Tombigbee, among whom was General Sam Dale. Cowles Mead, a former secretary of the Territory, was made chairman. Judge Toulmin, who was very much in favor of division, was sent to Washington as a special representative of this convention.

171. Establishment of a Line of Division.—Before the arrival of Judge Toulmin in Washington, Dr. Lattimore had become convinced that the Senate would never admit the Territory without dividing it, and was ready to consent to such a measure. Judge Toulmin reached Washington in time, however, to be of considerable help to the eastern part of the Territory in the contest that arose over the establishment of the line of division. The present boundary line between Mississippi and Alabama was settled upon as a compromise, Dr. Lattimore having contended for a line to the east, and Judge Toulmin for one to the west of it. The division line, as finally agreed upon, extended from the mouth of Bear Creek to the northwest corner of Washington county, Alabama, and thence due south to the Gulf of Mexico. By looking at a map of Mississippi it will be

seen, however, that the line between the northwest corner of Washington county and the Gulf does not run "due south," but southeast. This is explained by the fact that the third section of the act provided that the line might be run southeast by the surveyors if it would encroach on the counties of Wayne, etc., in Mississippi.*

172. The "Enabling Act."—On the 1st of March, 1817, President Madison approved an act giving the people of the western part of the Territory of Mississippi the right to form a constitution and State government in harmony with the constitution of the United States, and providing that ' the said State, when formed, shall be admitted into the Union upon the same footing with the original States in all respects whatever."

By this act the southern boundary of Tennessee and the division line finally agreed upon (§171) were established as the northern and eastern boundaries, respectively, of the new State. The southern boundary was two lines—one lying in the Gulf, eighteen miles from the mainland of the State, and the other the thirty-first degree of latitude between the Pearl and Mississippi rivers. The Pearl and Mississippi rivers were made the western boundaries of the State, south and north of the thirty-first degree of latitude, respectively. The boundaries of the State as thus fixed have remained unchanged to the present time.

This act named the date for the assembling of the convention to frame a constitution for the new State, and fixed the number of delegates to be chosen from each county. It also named the day for the election of these delegates and stated the qualifications for voting for the same.

173. Constitutional Convention (July 7 to August 15, 1817).—The convention authorized by Congress to form

* *Transactions of the Alabama Historical Society*, Vol. II., p. 91.

a constitution for the new State met in the town of Washington on the first Monday in July, 1817. There were forty-seven delegates present, representing the fourteen counties of the Territory.* The sessions were held in the old Methodist church, for the use of which the State paid one hundred dollars. David Holmes, the popular governor of the Territory, was one of the delegates, and was chosen president of the convention. This body was composed of men of ability, honesty, and patriotism, many of whom—such as David Holmes, Cowles Mead, Cato West, George Poindexter, and William Lattimore—had already served their country well in other positions. In after years, five of them—David Holmes, George Poindexter, Walter Leake, Gerard C. Brandon, and Abram M. Scott—became governors; three of them—Leake, Holmes, and Poindexter—represented the State in the Senate of the United States; and one of them—Dr. David Dickson—became first lieutenant-governor, and then a member of Congress. There were others whose careers, though less brilliant, were none the less honorable.

When the convention assembled, the people of the proposed State were dissatisfied over the division of the country. This doubtless accounts for the fact that it took the convention three days to decide to form a constitution and State government at that time. A resolution was then passed to petition Congress to extend the boundaries of the State. From day to day opposition to the formation of a State government increased until July 15th, when a motion was made to reconsider the question of forming a constitution and State government at that time, and was lost by a tie vote of 23 to 23.† A committee of twenty-one

* For a list and biographical sketch of the delegates, see Claiborne's *Mississippi*, pp. 352-360.

† Riley's *Boundaries of Mississippi*, in *Publications of the Mississippi Historical Society*, Vol. III.

delegates, of which Mr. Poindexter was chairman, was then appointed to prepare and report to the convention a plan for the constitution.

174. Constitution of 1817.*—The constitution provided that the government should consist of three distinct departments—the executive, the legislative, and the judicial—and that “no person, or collection of persons, being of one of these departments” should “exercise any power properly belonging to either of the others.” All State officials and voters for the same were required to be citizens of the United States. Any person who denied the being of God, or a future state of rewards and punishments, was not allowed to hold the office of governor or lieutenant-governor, or be a member of either branch of the general assembly. The legislature was also given power to pass a law forbidding those who engage in dueling to hold office. Ministers of the Gospel were not permitted to hold the office of governor or to become members of the legislature.

The governor and lieutenant-governor were elected by the people for a term of two years. They were required to be at least thirty years of age, to have been citizens of the United States for twenty years and inhabitants of the State for five years, and to have owned for twelve months previous to their election 600 acres of land or real estate to the value of \$2,000. The governor was given power to veto acts of the legislature and to pardon criminals. The lieutenant-governor was authorized to preside over the Senate, and to discharge the duties of governor whenever

* When the preamble to this constitution was under discussion, a motion was made by Cowles Mead to strike out the word “Mississippi” and to insert the word “Washington”. as the name of the State. It was lost by a vote of 23 to 17.

a vacancy occurred in that office. The other State officials were elected by the legislature.

The legislative department was composed of a house of representatives and a senate, elected by the qualified voters of the State for a term of one and three years, respectively. The members of this branch of the government were also required to own a certain amount of land, and to have lived in the State a certain length of time preceding their election.

The judges of the supreme and superior courts were chosen by the legislature for a term of "good behavior," or until they had arrived at the age of sixty-five.

All free white male persons, twenty-one years of age or upwards, who had lived in the State one year and in the voting precinct six months, and belonged to the militia—unless they had been excused therefrom or had paid a State or county tax—were allowed to vote for all officers elected by the people.

The legislature was authorized to regulate the slave trade and to pass laws defining the rights and duties of masters of slaves.

This constitution was not submitted to a vote of the people for ratification, but went into effect on August 15, 1817, the day it was signed.

Summary

1. The difference in the interests of the Tombigbee and the Mississippi River settlements led to a division of the Territory of Mississippi by a north and south line, which was finally settled upon as a compromise.

2. The people of the western part of the Territory of Mississippi were authorized to form a State government by an act of Congress approved March 1, 1817.

3. A convention of forty-seven delegates, representing fourteen counties, was in session from July 7 to August 15, 1817, and formed the first constitution of the State of Mississippi.

4. The constitution of 1817 differed from all other constitutions

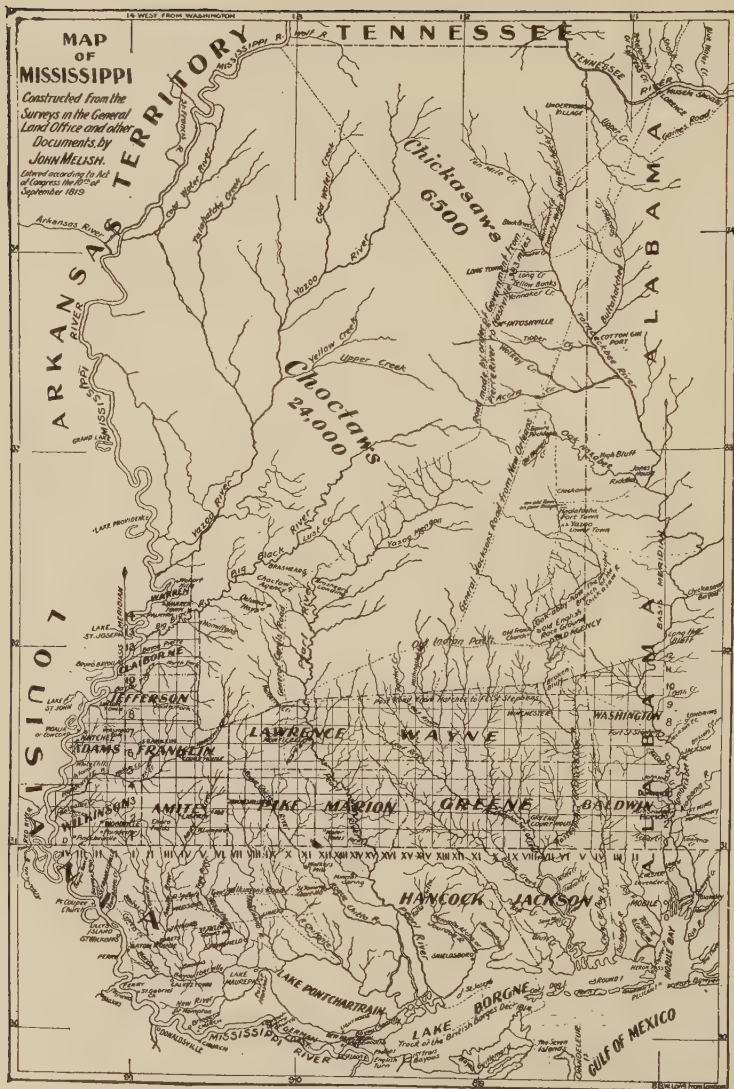
of the State in the following respects: (1) It provided that all voters must belong to the militia, unless they were exempt from military duty, or had paid a State or county tax; (2) the possession of property was required of governors, lieutenant-governors, and members of the legislature, and of those voting for these officers; (3) ministers of the Gospel were made ineligible to the office of governor or to membership in the legislature; (4) judges were allowed to hold office during good behavior or until they were sixty-five years of age.

CHAPTER XIX

POLITICAL EVENTS (1817-1832)

175. Establishment and Recognition of the State Government.—The constitution provided that an election of the State and county officers should be held on the first Monday and Tuesday in September, 1817, and that the first legislature of the State (general assembly) should meet on the first Monday thereafter. The citizens of the State showed their appreciation of the valuable services of Governor Holmes during the eight years of his administration as territorial governor by making him the first governor of the new State. They rewarded the faithfulness of a former delegate to Congress, the Hon. George Poindexter, by electing him as their first representative in the national House of Representatives. The newly elected legislature chose Judge Walter Leake and the Hon. Thomas Williams to represent the State in the United States Senate. By an act of Congress, approved December 10, 1817, Mississippi was declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever; and to her senators and representatives were given seats in the national legislature.

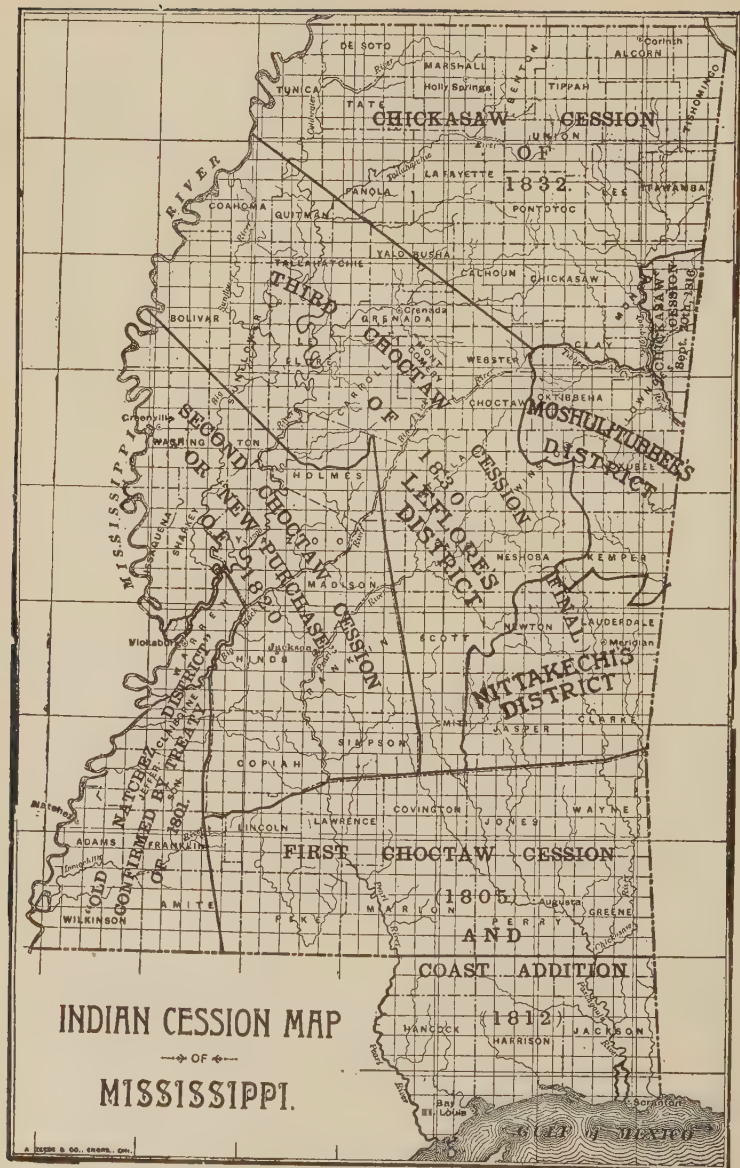
Constructed from the
Surveys in the General
Land Office and other
Documents, by
JOHN MELISH.
Entered according to Act
of Congress the 10th of
September 1819.



176. First Meetings of the State Legislature.—The constitution provided for the meeting of the legislature at Natchez on the first Monday in October, 1817, but, owing to a yellow fever panic in that place about the middle of September, the governor called the legislature together at the town of Washington. After the governor had been sworn into office and the United States Senators elected, the legislature adjourned. Two months later it met again in Natchez, and for two months was hard at work on the difficult and important task of making such laws as might meet the needs of a newly organized government. The sessions were held in a dwelling house that belonged to Edward Turner.

177. Administration of Governor Holmes (1817-1820).—Governor Holmes held the office of governor of the State three months longer than the two years for which he was elected. This arose from the fact that he went into office at the first meeting of the State legislature, which assembled in October, 1817, whereas his successor was inaugurated at the beginning of the third session of that body, which was held in January, 1820. In the administration of Governor Holmes the Supreme Court of the State was organized, and the Bank of Mississippi was changed from a private to a public institution, and obtained charge of all the banking business of the State until 1841. At the end of his term as governor, Mr. Holmes was elected by the legislature to succeed Walter Leake in the Senate of the United States.

178. Administration of Governor Poindexter (1820-1822). George Poindexter and General Thomas Hinds, both popular members of the same party, were candidates for governor in 1819. The election resulted in favor of Mr. Poindexter by a large majority. He was a fine lawyer and a man of wide experience in public affairs; besides, he was



thoroughly acquainted with the needs of the new State. In his message to the legislature he urged among other things the necessity of revising and harmonizing the laws and of separating the chancery and common law courts of the State. As a result of his attack upon the State Bank the privileges that had been given it in 1818 were taken away. In 1821 the seat of government was moved from Natchez to Columbia.

179. Indian Lands.—The limits of the State, as prescribed by the act of Congress in 1816, embraced a large part of Indian territory on which white people were not allowed to settle, and over which the State government had no control. The "Old Natchez District," the "Coast Addition," and the "First Choctaw Cession" were the only parts of the State that were organized into counties, and hence were represented in the constitutional convention of 1817.* The rapid increase of population soon caused the people of the State to grow restless within these narrow limits and to seek for other places to settle. The national government recognized the rights of the Indians to the land which they still held, and adopted the policy of buying from time to time as much of it as they could be persuaded to part with in exchange for land in the Indian Territory and for a sum of money to be paid each year to the tribe.

* See Goodspeed's *Memoirs of Mississippi*, Vol. I., pp. 48-49; Vol. II., p. 27.

When the eastern boundary line of the State was run, it was found that about three hundred and fifty square miles of land east of the Tombigbee which had been supposed to be part of Alabama, were really part of Mississippi. The Indian title to this part of the State had been extinguished by the Chickasaw treaty of 1816. This isolated territory was called Monroe. Its inhabitants on learning that they were Mississippians, sent a delegate to the legislative assembly to advocate their rights. He was allowed a seat in the house, but had no vote.

180. Treaty of Doak's Stand.—The second Choctaw cession was made by a treaty drawn up at Doak's Stand in Madison county on October 18, 1820. The extent of the territory which was then ceded may be seen by consulting the map on page 150. In return for this important cession the United States granted to the Choctaw nation a body of land west of the Mississippi, and to Moshulitubbee (mō shū lǐ tūb'bee), the young chief of the Lower Towns, one hundred and fifty dollars a year during the remainder of his life. In making this treaty the United States was represented by Andrew Jackson and Thomas Hinds.

181. Poindexter's Code.—By an act of the legislature (1821) Governor Poindexter was asked to revise the laws of the State. In May, 1822, his code was completed, and in the following June it was adopted by the legislature. The value of his service is shown by the fact that much of this code still exists in our system of laws. The part of the new code which related to slavery was strongly opposed, however, by many of the best people of the State, who asserted that it was very cruel, and that it really kept slaves from religious worship. It is said that this part of his work made him so unpopular that he was afterwards defeated for Congress.*

182. Administration of Governor Leake (1822-1825).—Walter Leake, a native of Virginia, was elected governor of Mississippi in 1821. He had served as judge in the Territory of Mississippi for several years, had been a prominent member of the constitutional convention of 1817, and for three years following the admission of the State had represented it in the Senate of the United States. In his term of office *Poindexter's Code* was adopted, the

*A copy of these obnoxious sections will be found in Goodspeed's *Memoirs of Mississippi*, Vol. II., p. 96, and in Claiborne's *Mississippi*, p. 385.

capital of the State was located at Jackson, and a contest arose between the legislature and the supreme court.

183. Establishment of a Permanent Seat of Government.—In 1821 the legislature selected the town of Monticello as the capital of the State. On the day after the act was passed it was repealed. Three commissioners were then appointed to locate within twenty miles of the center of the entire State two sections of land which had been given for a capital two years before by the general government.* This commission was instructed to lay off the future capital, which the act declared should be called "Jackson" in honor of Major-General Andrew Jackson. Three squares were reserved for a Statehouse, a courthouse, and a college. The money raised by selling lots was set apart for building the Statehouse. In order to build up the new capital the commissioners were authorized to sell the best town lots to responsible persons at a low price, provided the purchaser would build by the first Monday in November, 1831, "a neat log or frame-house thereon, not less than thirty feet in length."†

184. Death of Governor Leake (1825).—Less than two months before the end of his administration, Governor Leake died at his home, at Mount Salus (Clinton). He was succeeded by Lieutenant-Governor Gerard C. Brandon, who filled out the term.

185. Struggle Between the Legislative and Judicial Branches of the Government (1825).—In 1825 the supreme court of Mississippi declared an act passed by the legislature a year previously to be unconstitutional. The house of representatives thereupon made the judges appear

*Hutchinson's *Code*, Chapter IV.

†In 1827, Monticello made another vigorous, though unsuccessful, attempt to become the capital of the State. (*Woodville Republican*, January 23, 1827.)

before it and show cause why they should not be removed from office for daring to pass upon the constitutionality of an act of the legislature. The matter was referred to a special committee of the house, which acquitted the judges of any wrong motives, but stated that it knew of no power that the supreme court had to declare any law unconstitutional. One of the judges then resigned.*

186. Visit of Lafayette to Mississippi (1825).—When Lafayette was the guest of the nation, in 1825, he made a tour throughout this great country. He received an ovation at Natchez. After he had reviewed the State militia and had listened to the affectionate addresses of welcome, he thanked the people for the honors shown him, telling them that he rejoiced with them in the blessings of self-government. Before his departure from the State this patriot, with the tenderness and love of a father, bestowed his blessings upon a number of children who were brought before him in a body.

187. Second Administration of Governor Holmes (1826). Governor Holmes resigned his seat in the Senate of the United States to become a candidate for governor. He was again elected to the highest office in the gift of his adopted State. He was able to continue in office only a few months, however, and in the autumn of 1826, advanced in years and broken in health, he resigned. Thus his public career in Mississippi ended as it had begun—as governor. Lieutenant-Governor Brandon again became governor of the State, and filled out Governor Holmes' term.

188. Administration of Governor Brandon (1828-1832).—Governor Brandon had done so much for the State that in the autumn of 1827 he was elected to the office of governor

* See Goodspeed's *Memoirs of Mississippi*, Vol. I., p. 121.

over four other candidates. He was the first native of the State to be chosen to this high position, having been born in Adams county. For some time previous to his election he had lived in Wilkinson county, having represented it in the constitutional convention of 1817. The fact that he was chosen governor for a second term shows the high regard in which he was held by the people of the State. The principal events of his administration were, the treaty of Dancing Rabbit, the extension of the government of the State over the Indian lands within its borders, and the establishment of the "Planters' Bank of the State of Mississippi."*



Gerard C. Brandon

189. Grand Council of the Choctaw Nation (1828).— Only a few years had passed after the second Choctaw cession, when the white people of the State began to urge the national government to make another treaty with the Choctaws. At a great council of these Indians (1828) they refused to sell the land they still owned. There was much ill feeling among them because of the fact that the celebrated chief Greenwood Le Flore† and Colonel David

* For an account of the establishment of the Planters' Bank, see section 208.

† This celebrated chief was born of a Canadian trader and a

Folsom, both of whom were half-blooded Choctaws, advised the removal of the nation to the Indian Territory.



GREENWOOD LE FLORE

They were accused by the full-blooded Choctaws of favoring the white man to the injury of the natives, and a civil war was narrowly averted.

190. Extension of the State Government Over the Indian Lands Within Its Borders (1829-1830).

Two acts were passed in Governor Brandon's terms of office for the purpose of limiting the power of the Indians and of hastening their re-

moval from the State. The first of these acts (1829) made the white people, living in the Chickasaw and Choctaw nations, subject to the laws of the State. It did not affect, however, the tribal organization and the laws of the Indians, since they were especially exempted from its application. By an act of the year following, the government of the Indians was abolished, citizenship was granted them, and the laws of the State were extended

Choctaw woman in 1800. He was educated at Nashville. Returning to his own nation, he was elected chief of the Yazoo District in 1824, when only twenty-four years of age. When the Choctaws were removed beyond the Mississippi he remained upon his estate in Carroll county, conducting a mercantile house in addition to his extensive planting interests. He represented Carroll county in the State senate from 1840 to 1843. (See Claiborne's *Mississippi*, pp. 116 (note) and 515.)

over them. The act subjected to fine and imprisonment all persons who presumed to perform among the Indians in any manner the functions of chief, or of any other tribal office not recognized by the laws of the State.

191. Treaty of Dancing Rabbit (1830).*—In 1830 the “mingoes, chiefs, captains, and warriors” of the Choctaw nation assembled at Dancing Rabbit Creek, and agreed to a treaty by which they granted to the United States all the remaining lands they held east of the Mississippi. They were given a tract of land in the Indian Territory for that which they might leave in Mississippi and in addition the sum of twenty thousand dollars a year for twenty years. The three chiefs of the nation each received two hundred and fifty dollars a year and four sections of land in the State. Besides this, four sections of land were reserved for Colonel David Folsom and four for each of the wives of Pushmataha and Puckshennubbee (pŭck shē nŭb’bee). It was also provided that any Choctaw, the head of a family, who desired to become a citizen of the State, might have land enough for a home therein.

192. Election of Governor Scott.—In the latter part of 1831 Abram M. Scott, a native of South Carolina, was elected governor of Mississippi. He had settled in the State at an early date, and had been a member of General Claiborne’s celebrated expedition against the Creeks at Holy Ground. He had represented Wilkinson county in the constitutional convention of 1817, and had served two terms as lieutenant-governor under Governor Brandon, notwithstanding the fact that both were from the same county.

* For an account of this treaty, see *Transactions of the Alabama Historical Society*, Vol. III., pp. 99-106.

193. Organization of Counties Between 1817 and 1832.—
In 1819 Covington county was formed out of parts of Lawrence and Wayne. In 1820 Perry county was organized. In the year following, Monroe and Hinds counties were established. The former was smaller in area than the constitution required, but this could not be avoided, since at that time the Choctaw country lay between this district and the rest of the State. In 1823 two new counties—Yazoo and Copiah—were formed. In 1824 Simpson county was created out of a part of Copiah. Jones county was formed out of parts of Covington and Wayne (1826). In 1827, Washington county was formed out of portions of Yazoo and Warren. The next year Madison county was formed out of that part of Yazoo east of the Big Black River. In the same year (1828) Rankin county was formed out of that part of Hinds east of Pearl River. In 1830 the southern part of Monroe county was formed into a new county named Lowndes.*

Summary

1. The State government was organized with David Holmes as governor, and was admitted into the Union December 10, 1817.

2. In the first term of Governor Holmes' administration (1817-1820) the supreme court was organized, and the Bank of Mississippi obtained a monopoly of the banking business of the State.

3. In the administration of Governor Poindexter (1820-1822) the legal and judicial systems of the State were organized, the seat of government was moved from Natchez to Columbia, and new territory was opened to settlement by the treaty of Doak's Stand.

4. In the administration of Governor Leake (1822-1825) Poindexter's Code was adopted, the capital of the State was located

* For further information with reference to these counties, see Appendix.

at Jackson, a struggle arose between the legislative and judicial departments of the State, and General Lafayette visited Mississippi.

5. The principal events of Governor Brandon's administrations were the extension of the government of the State over the Indian possessions within its limits (1829 and 1830), the Treaty of Dancing Rabbit (1830), and the establishment of the "Planters' Bank" (1830).

CHAPTER XX

SOCIAL CONDITIONS (1817-1832)

194. Growth of Population.—In the period of the first constitution the older parts of the State became more densely settled, and the area of land that could be occupied by settlers was doubled. In 1816 the population was almost forty-six thousand, and in 1830 it was 136,621, almost four times the number with which the State had entered the Union thirteen years previously. From 1820 to 1830 the colored population grew much more rapidly than the white, the former having increased over one hundred per cent and the latter less than sixty per cent. The rapid increase of slave population was a matter of great concern to many of the leading men of the State.

195. Efforts to Stop the Importation of Slaves.—The census of 1830 revealed the fact that the prophecy made by Governor Claiborne twenty-five years before, that Mississippi would "soon be overrun" by the slaves from the older States, was being rapidly fulfilled. This great increase in the slave population was due to the large profits that could be made by raising cotton, and to the fact that Mississippi was one of the last States to prohibit the importation of slaves from other parts of the Union. With the reduction of the number of States allowing the slave

trade, there came an increase in the number of slaves imported into those which still permitted it. In his annual message to the legislature in 1828 Governor Brandon said: "Slavery is an evil at best, and has invariably operated oppressively on the poorer class in every community into which it has been introduced, and excludes from the State, in proportion to the number of slaves, a free white population, through the means of which alone can we expect to take rank with our sister States. With these reflections I submit to the wisdom of the general assembly to say whether the period has not arrived when Mississippi, in her own defence, should, as far as practicable, prevent the further introduction of slaves for sale."

This agitation resulted in a partial prohibition of the importation of slaves by the second constitution of the State in 1832.

196. Legal Rights of Slaves.—A decision rendered by the Supreme Court of the State at its first term, in June, 1818, granted freedom to several slaves who had been unjustly held in bondage. This is noteworthy, because it shows that at that early date "the negro could safely appeal in Mississippi to the courts for protection in his rights, even the rights of liberty."

In 1821 a white man, convicted of killing a slave, made the plea that this deed could not be murder, but the Supreme Court of the State, to which he appealed, decided that he was guilty of murder and must suffer death.* Hence

* The following extract is taken from this important decision: "In this State the legislature has considered slaves as reasonable and accountable beings; and it would be a stigma upon the character of the State, and a reproach to the administration of justice if the life of a slave could be taken with impunity, or if he could be murdered in cold blood, without subjecting the offender to the highest penalty known to the criminal jurisprudence of the country. Has the slave no rights because he is deprived of his

the first capital case reported in the decisions of the Supreme Court of Mississippi is that of a white man sentenced finally to be hanged on July 27, 1821, "for killing a slave."

197. Slave Laws.—Traders were not allowed to sell slaves over fifteen years old without registering with the proper authority certificates stating that they had not been guilty of any crimes in the State from which they were brought. Slaves were forbidden not only to keep weapons or ammunition without having permission to do so from a justice of the peace, given at the request of their masters, but to take part in riots or unlawful assemblies or to be guilty of seditious speeches. Masters could not give permission for their slaves to go at large and trade as freemen or hire themselves out. Trading with slaves without permission from their masters was forbidden. Slaves were not allowed to leave the tenements of their masters without having passes to show that they were away with the consent of the proper authorities. A slave who was found at the distance of eight miles, without a pass, or had "lain out more than two days from the service of his master" was considered "a runaway," and was returned to his master or committed to jail. Masters were not allowed to inflict freedom? He is still a human being, and possesses all those rights of which he is not deprived by the positive provisions of law; but in vain shall we look for any law passed by the enlightened and philanthropic legislature of this State, giving even to the master, much less to a stranger, power over the life of a slave. Such a statute would be worthy of the age of Draco or Caligula, and would be condemned by the unanimous voice of the people of this State, where even cruelty to slaves, much less the taking away of life, meets with universal reprobation." (See Goodspeed's *Memoirs of Mississippi*, Vol. I., p. 115. For a fuller account of the rights of slaves see Stone's *Early Slave Laws of Mississippi* in the *Publications of the Mississippi Historical Society*, Vol. II., pp. 133-145; also Poindexter's and Hutchinson's *Codes of Mississippi*.)

cruel or unusual punishments on their slaves, under a penalty of not more than five hundred dollars. The testi-

NOTICE.

IN pursuance of a Deed of Trust executed by *William Yerby*, on the 19th day of April, 1824, for the use of *John F. Carmichael*, the undersigned Trustee, therein named will proceed to sell to the highest bidder, for ready money, on the 5th day of December next, at the Court House of the County of Wilkinson, the following

NEGRO SLAVES, to wit.



Anthony, Jack, Jim, Dennis, Ellison, Louisa, Martha, Rose, Jane, Lewis, Criss, Sally, Charlotte and Chelson,

or so many thereof as may be necessary to satisfy the several sums of money mentioned in said Deed, with the costs attendant thereon.

T. H. PROSSER, Trustee.

November 4, 1825. 99

mony of slaves was admitted in the courts of the State. No master was allowed to free a slave without the consent of the legislature, and this could be given only when the slave had performed some act of great merit for his master, or had rendered some distinguished service for the State.

The legal punishment of slaves was usually by the infliction of stripes.* It must

be remembered that at this time the pillory, the whipping post, and the branding iron had not been abolished throughout the world, and corporal punishment was frequently

* The following items appear in the list of fees to the sheriffs of Mississippi by an act of January 23, 1824:

Putting a prisoner in pillory or stocks by order of court....	\$2 00
Whipping a free person by order of court.....	2 00
Whipping a slave by order of the court, to be paid by the owner	1 00
Burning in the hand or face.....	2 00

inflicted upon people of the white as well as the colored race. The maximum number of lashes was thirty-nine.

198. The True Condition of Slaves.—In order to understand the true condition of slaves in Mississippi it is necessary to turn from the stern facts of law to a consideration of the slave as he really was. On this subject it is difficult to speak in general terms with confidence or with accuracy. The treatment of the slave depended very largely upon the disposition of the master. Each master was practically a magistrate upon his own plantation. A competent northern writer who visited the South in slavery times gives the following statement of the manner in which this power was used:

“On principle, in habit, and even on the grounds of self-interest, the greater part of the slave-owners were humane in the treatment of their slaves—kind, indulgent, not over-exacting, and sincerely interested in the physical well-being of their dependants.”*

On the smaller farms, where they came constantly in contact with their masters, they were more humanely treated than they were on the larger plantations, where they had to be dealt with in the mass. In many parts of the State public opinion would not tolerate cruel treatment of slaves, and the slave-dealer was nowhere respected. The slaves usually joined the churches of their masters, with which they were at liberty to unite at will. As a rule, slave-owners recognized their duty to provide for the religious needs of their slaves. This fact is shown by the following extract from a letter written in 1831 by a Presbyterian minister, who was himself a slave-owner: “Nearly all the planters here feel their responsibility for their servants so deeply, that they have united to provide regular and

* See Claiborne's *Mississippi*, pp. 144-149.

frequent religious instruction for them by good and competent teachers.”*

199. Free Negroes.—In 1820 there were four hundred and fifty-eight free negroes in the State. They were a source of much concern to the slave-owners, who feared the results of their influence upon such slaves as were inclined to be seditious. For this reason free negroes were not permitted to keep weapons or ammunition without license. They were also forbidden to give or sell intoxicating liquors to slaves. In 1822 they were prohibited from moving into the State, and those then living in it were required to be registered and numbered in a book kept for that purpose. They were also required to have their certificates of freedom renewed every three years.

In order to remove the dangers arising from the presence of free negroes in the midst of a large number of slaves, an act was passed in 1831, requiring all free negroes to leave the State unless they could obtain from the proper authorities licenses, based on uprightness of character and honesty of deportment, allowing them to remain in the State.

200. Social Conditions Among the White People.—In this period there was little of that contrast between the rich and the poor which makes class hatred. It was often the case that men of wealth preferred to live on a level with their less fortunate neighbors. The people were sociable and hospitable. They made fewer “calls” and more “visits” than at the present day. It was customary to go with one’s family to the house of a “neighbor” a few

* For an excellent presentation of this feature of Mississippi life, read Mrs. Susan Dabney Smedes’ *Memoirs of a Southern Planter*; Claiborne’s *Life and Correspondence of John A. Quitman*, Vol. I., pp. 79-82.

miles distant to remain from Saturday until Monday or even longer.

201. Imprisonment for Debt.—For many centuries imprisonment for debt was a principle of law throughout the civilized world. Mississippi was one of the first States in the Union to abolish this punishment (1824)*, and thus declare that indebtedness was no longer a crime, and that the honest debtor should not be thrown into prison for his misfortune. A few months later the Senate of the United States declared against imprisonment for debt. The act which finally abolished imprisonment for debt in Mississippi was passed by the legislature in 1839.

202. The Shooting-Match.—During the early history of the State the shooting-match was one of the favorite amusements in Mississippi. Contests were held at regular intervals at almost every mill and in many of the villages of the State. Prizes of various kinds were offered to reward the skill of the best marksmen. The contestants paid for the privilege of shooting, each shot costing from twenty-five cents to one dollar, or even more. When a beef was offered for a prize it was divided into what was then called five "quarters," the hide and tallow being

* By an act of the legislature of 1824 the prison bounds of each county in the State were extended to the entire limits thereof, and any person imprisoned for debt was required to give bond and security to keep in the limits of the county of his residence at the time of his imprisonment. Unfortunately this was repealed the year following. Another provision of the same act, which was left unchanged, declared that no free white woman should be "in any manner, imprisoned or retained in prison for debt, within this State, any law, usage, or custom to the contrary notwithstanding." In commenting upon this act the *National Intelligencer*, published at Washington, D. C., very properly observed that it "does credit to the gallantry of the State and, in our estimate, is even more honorable to its intelligence and liberality."

counted the fifth. At a very early date the lead that was shot was still another "quarter." The successful contestants were allowed the choice of six "quarters" in the order of their rank as marksmen, the best having the first choice, the second best the choice of what was left, and so on until the five or six "quarters" were chosen. Of course, the hide and tallow always fell to the lot of the fifth in rank, and the lead to the sixth. At a time when ammunition was scarce, the "sixth quarter" was by no means a poor prize. The lead was carefully extracted from the board or tree into which it had been shot, and was remolded.

Each contestant was allowed the choice of guns. When the marksmen stood at equal distance from the target, those using rifles shot "off-hand" and those using shot-guns "at rest." Shooting matches were frequently given at which only rifles were used.*

203. The Old Field Muster.—In the territorial period the people of Mississippi were forced to have a militia, owing to the almost constant danger from the Indians and the Spaniards. Besides the company and regimental drills, there was the "general muster." The last of these was the great event of the year, as it brought together a larger number of people than any other occasion. In the early history of the State the men took much pride in military drills; but as soon as danger from enemies had disappeared the whole militia system became a farce, and the musters were devoted more to frolic and merry-making than to military drills. Horse races, shooting-matches, wrestling contests, and fisticuffs came to be recognized as necessary features of these occasions. The musters them-

* See Longstreet's *Georgia Scenes* for an accurate, yet ludicrous, account of this kind of contest.

selves were often called "corn-stalk drills," because many

ATTENTION, WOODVILLE BEAT!!



ALL those composing Capt. Fassitt's Company, of the Woodville beat are ordered to meet on the 5th Saturday, or 30th of the present month of January, at 9 o'clock precisely armed and equipped according to law. It is expected of each member that he will be in the best possible order.

The captain commanding hopes that the gentlemen composing his company, will be animated by a laudable military pride, and will omit no exertion to gain & sustain a reputation such that their fellow citizens will not contemplate them with less satisfaction in the moments of national repose, than confidence in the hour of danger.

A. J. FASSITT, Capt,
WM. S. LEWIS, O. S.
Woodville Jan. 1, 1830.

5013.

of the men, either having no guns or neglecting to bring them, drilled with corn-stalks.*

204. Other Amusements.—

There were numerous other amusements that helped to relieve the hardships of frontier life. The people had log-rollings in early spring and house-raising, corn-huskings and dances in the autumn and winter. A failure to ask a neighbor to a house-raising, a clearing, or chopping frolic, or his family to a quilting was considered a great insult—such a one too as had

to be answered for at the next muster or county court.

* See Guild's *Old Times in Tennessee*, p. 322; Roosevelt's *Winning of the West*, Vol. IV., pp. 245-246.

Each settler was ready to help in all improvements, and felt insulted if the opportunity was not given him to do so.*

Summary

1. In 1830 the entire population of Mississippi was almost four times as large as it was thirteen years before. In the decade between 1820 and 1830 the colored population increased over one hundred per cent and the white population less than sixty per cent. This led to numerous efforts to stop the importation of slaves.

2. The courts of the State were open to slaves who had any just grievances to redress, and a white man was sentenced to be hanged for murdering a slave. The laws of the State which defined the rights of slaves and regulated their conduct and the relation between master and servant were for the most part just and humane.

3. On the small farms slaves were more humanely treated than on the large plantations. Masters generally felt their responsibility for the physical and spiritual welfare of the slaves, and there was often a feeling of mutual affection between the two classes.

4. The influence of free negroes upon the slaves was a constant menace to the peace of the country. Efforts to remove this danger were first directed to the enactment of laws, and finally to the expulsion of all those who did not have license permitting them to remain.

5. There were no regularly enforced social distinctions among the white people, and they were, on the whole, sociable and nospitable.

6. Mississippi was one of the first States in the Union to abolish imprisonment for debt.

7. The shooting-match and the old field muster not only gave amusement to the people of this period, but afforded occasions for indulging in other sports such as horse races, wrestling matches, etc. Among the other amusements of the time were log-rollings, house-raisings, corn-huskings, and dances.

* *Guild's Old Times in Tennessee*, p. 328.

CHAPTER XXI

ECONOMIC CONDITIONS (1817-1832)

205. Internal Improvements.—In this period a great deal was done in road-building and in river improvements. The most important points in the State were connected by a network of roads extending in every direction, there being twenty-four State roads established by legislative acts from 1824 to 1830. Efforts were made to render many of the smaller streams of the State navigable. Six turnpike companies were formed from 1825 to 1831.*

206. Beginning of Railroads in Mississippi.—In 1831, three years after the building of the first railway in the United States, the people of Woodville organized a company to build a railroad from that place to St. Francisville. It was the first railroad in the State. In the same year a company was formed for the purpose of building a railroad from Vicksburg to Jackson.†

207. Money and Banking.—As has been mentioned in a previous chapter, the territorial legislature at an early date (1800) allowed receipts for cotton delivered at a public gin to take the place of money. Similar acts were passed from time to time, until there were four of them. In 1822 these were united into one act, which remained in force for many years afterwards. As there were very few planters that were able to build private gins, most of the cotton was carried to public gins. As steam power was not used in ginning until 1830, the gins of this period were run by horse or by water power. Ginning was, therefore, very slow, the planters often having to wait for weeks before

* Hutchinson's *Code*, pp. 137-156.

† Goodspeed's *Memoirs of Mississippi*, Vol. I., p. 77.

they could get their cotton prepared for market. The law provided that the planters might use in the settlement of their debts the receipts signed by the directors of the public gins, stating the number of pounds of cotton delivered.*

In 1818 the legislature gave the Bank of Mississippi a monopoly of the banking business of the State until 1841, and changed its name to "Bank of the State of Mississippi." In violation of the charter right of this bank the legislature afterwards (1830) chartered a rival bank, known as the "Planters' Bank of Mississippi," with a capital of three millions of dollars, two-thirds of which was owned by the State. The Bank of the State of Mississippi then went out of business (1832).

208. Lotteries.—Lotteries were frequently used for raising money for religious, educational, or charitable purposes. They could be established, however, only by the legislature. They were instituted to raise money for Jefferson College, and to establish Elizabeth Female Academy in Washington, to erect a Masonic hall, to complete Trinity church in Natchez, and to promote other enterprises of like nature.

209. Mississippi Towns in the Twenties.—During this period Natchez continued to be the largest and most important town in the State. It was a center of trade and of fashion. Audubon, the great naturalist, who visited this place in 1820, made special mention of the pretty houses of the "upper town," which he spoke of as "models of luxury and comfort." The "lower town," usually known as "Natchez under the hill," he called the abode of "a rascally population," living in rude houses, made chiefly from the ruins of flatboats.

* Hutchinson's *Code*, pp. 638-639.

In the spring of 1822 Audubon visited Jackson, the new capital of the State. His impressions of the town, which is at present one of the most attractive in the State, were very unfavorable. He called it "a mean place, a rendezvous for gamblers and vagabonds." It developed rapidly, and before the end of this period became the most important town in central Mississippi.

In 1817 Thomas Moore built the first log cabin at the site of the town of Columbus on the Tombigbee. Two years later the citizens of the community held a meeting and decided to call the new town "Columbus." In 1821 it had become of sufficient importance to lead to the introduction of a bill into the legislature to have it connected with Jackson by means of a great roadway. The town was incorporated in 1832.

Vicksburg (Fort Nogales, or Walnut Hills) was occupied by a Spanish garrison as early as 1783, and was later (1798) held for a short time by a company of United States troops, who changed its name to Fort McHenry. Rev. Newell Vick, a Methodist preacher, settled in that vicinity about 1811, and decided to build a town on the present site of Vicksburg. The town was founded after his death, and in 1820 the first store was erected and a road was opened from that place to Clinton. Four years later the road was extended to Jackson.

Port Gibson, Rodney, Woodville, Monticello, and Grand Gulf were at that time among the most promising towns in the State. Washington was still an important place, though its fate had been sealed by the removal of the capital from its limits.*

* See Goodspeed's *Memoirs of Mississippi*, Vol. II., Chapter VIII.

Summary

1. This period was characterized by increased activity in road building and in river improvements. A board of internal improvements was finally appointed to direct these important interests.

2. In 1831, one company was organized to build a railroad from Woodville, Mississippi, to St. Francisville, Louisiana, and another to build a road from Vicksburg to Jackson.

3. The use of cotton receipts for money was regulated by a legislative act.

4. Lotteries were frequently used for raising money for religious, educational, and charitable purposes.

5. The principal towns of the State in this period were Natchez, Jackson, Columbus, Vicksburg, Port Gibson, Rodney, Woodville, Monticello, and Grand Gulf.

CHAPTER XXII

EDUCATIONAL AND RELIGIOUS PROGRESS (1817-1832)

210. Provisions for Common School Education.—In 1803 Congress wisely voted the sixteenth section in each township to the support of the schools therein. Shortly after the formation of the State government (1818) the county courts of the different counties were given control over these lands within their respective borders, with the authority to lease them. A legislative act of 1824 authorized the election of trustees in each township to preserve the school lands, to lease them, and to apply the fund arising therefrom to the building of schoolhouses and the employment of teachers.*

Upon the recommendation of Governor Poindexter the

* For further information on the educational history of Mississippi, see Mayes' *History of Education in Mississippi*; Goodspeed's *Memoirs of Mississippi*, Vol. II., Chapter XI.; and the articles on Elizabeth Female Academy and Jefferson College in the *Publications of the Mississippi Historical Society*, Vol. II.

legislature established (1821) a "literary fund" for the free education of poor children, and authorized the lending of it to individuals or the investment of it in bank stocks within the State. This fund was raised by setting aside the moneys obtained from fines and forfeitures "not otherwise appropriated." By the latter part of the year 1836 it amounted to over thirty thousand dollars, but the greater part of it was invested in bank stocks and lost.

211. Higher Education.—Jefferson College was forced to close its doors in 1826. Three years later it began work as a military institution. Governor Brandon in his message to the legislature, in 1830, said: "Schools and academies are rising up in every county, and are in a flourishing condition. . . . Jefferson College continues to prosper beyond our expectations, and promises to do much good by spreading a knowledge of science and military tactics throughout the State."

The greatest obstacle to the early progress of higher education in Mississippi was the attachment shown by the people to the older institutions of other States. The planters of Mississippi naturally wished to send their sons to the colleges where they themselves had been educated. As a consequence no college degree was conferred upon a son of Mississippi by an institution in the State before 1833. As there were no time-honored female colleges in the older States, and as traveling was very difficult, the people of Mississippi were liberal in their support of schools for the higher education of young women.*

212. Elizabeth Female Academy.—In 1818 Miss Elizabeth Roach gave to the Mississippi conference of the Methodist Episcopal Church the lands and buildings for a school

* This subject is ably discussed in Mayes' *History of Education in Mississippi*, pp. 125-126.

of higher education for women. The academy was located one-half mile from the town of Washington. In 1819 it received a charter from the legislature, being the first school to be chartered by that body after the formation of the State government. This was probably "the first chartered institution for the higher education of young women in the South, if not in the United States."* It was a college in fact, though not in name. When the town where it was located began to wane, its prosperity ceased, and it finally closed its doors about 1844.

213. Franklin Academy.—This celebrated institution, located at Columbus, is by twenty-four years the oldest free school in Mississippi. It was chartered in 1821, and has been a free school from that date to the present time. This is due to the fact that it has been supported by the funds received from the leasing of lots in the city of Columbus, the greater part of which was built on a sixteenth section. This school soon sprang into prominence, and Columbus was regarded as an educational center from the time of its establishment.

214. Mississippi College.—The Hampstead Academy, located at Mount Salus (now Clinton), was chartered in 1826, and began active work the following year. Its name was changed to "Mississippi Academy," and it received for five years from 1825 the rents from certain lands that had been granted by Congress for the aid of an institution of learning. In 1828 the friends of this new institution made an effort to have it changed into a State university. Although five thousand dollars was lent to the academy by the State, and its name was changed to "Mississippi College," it did not become a State institution, but re-

* See Bishop Galloway's *Elizabeth Female Academy, the Mother of Female Colleges*, in the *Publications of the Mississippi Historical Society*, Vol. II.

mained under a board of management appointed by the citizens of the town.

215. Oakland College.—In 1830 Oakland College, located in Claiborne county, was opened under the direction of the Presbyterian church. It exerted a great influence for good upon the early history of Mississippi.

216. General Features of Church Work.—The pioneer work of the early Protestant churches of Mississippi ended about the close of the territorial period. Then followed a period of church organization on a large scale. Preparations were made for systematic work among the Indians, the slaves, and the white people of the thinly settled regions.*

217. Beginnings of Sunday School Work.—Mississippi was a pioneer State in Sunday school work. A Sunday school of about twenty or twenty-five children was taught fifteen miles east of Natchez as early as 1822; it lasted only a year or two. A Sunday school organized under Methodist control at Natchez in 1827 or 1828 was one of the first permanent denominational schools in the United States.

Summary

1. In the period between 1817 and 1830 twenty-nine schools and literary associations were incorporated by the legislature. As early as 1818 an effort was made to use the sixteenth sections for the educational needs of the State, and in 1821 the legislature established a literary fund for the free education of poor children.

2. Owing to the partiality of the people of Mississippi to the older colleges of the other States, higher institutions for the education of young men did not prosper in this period. These difficulties did not affect the growth of schools for the higher education of young women.

3. Elizabeth Female Academy, near Washington, chartered in

* For a fuller account of the religious history of the State see *Goodspeed's Memoirs of Mississippi*, Vol. II., Chapter XII.

1819, was the first school to be incorporated after the formation of the State government, and was the oldest chartered institution for the higher education of young women in the South if not in the United States.

4. Franklin Academy, at Columbus, incorporated in 1821, is by twenty-four years the oldest free school in Mississippi.

5. Mississippi College, at Clinton, was incorporated as the Hampstead Academy in 1826. It received some aid from the legislature and at one time aspired to be a State institution.

6. Oakland College was established in Claiborne county by the Presbyterian church in 1830.

7. The first Sunday school in Mississippi was organized near Natchez about 1822; the oldest Sunday school that had a regular succession was conducted at Natchez under Methodist control, beginning in 1827 or 1828.

8. This was a period when the churches of Mississippi became organized on a large scale and made preparation for systematic missionary work within the borders of the State.

PERIOD II.—UNDER THE CONSTITUTION OF 1832

CHAPTER XXIII

REORGANIZATION OF THE GOVERNMENT

(1832-1834)

218. Demands for a New Constitution.—The fifteen years immediately following the formation of the first constitution of Mississippi produced many changes in the political ideas of the American people. At first most of the older States required that all persons who voted must possess certain amounts of property. The new States in the middle West, in their efforts to attract settlers, had offered to give all men settling in their borders the right to vote. The example of these States was followed by others, until in the

course of a few years a large majority of the States had done away with the old requirements for voting. The people of Mississippi saw this and became dissatisfied with the high requirements of their first constitution for voting and holding office.

This constitution had also placed the choice of the judges in the hands of the legislature. The people of a sister State, Georgia, had the power to choose their own judges by direct vote, and this seemed to the citizens of Mississippi to be a better plan than their own. There was also much dissatisfaction over the fact that the judges of the supreme court practically held office for life. These and other objections to the constitution of 1817 caused the legislature, in December, 1831, to take steps for the formation of a new constitution.

219. The Constitutional Convention of 1832.—Delegates from the twenty-six counties of the State met in Jackson on September 10, 1832. The convention organized by electing the Hon. P. Rutilius R. Pray, an able lawyer from Hancock county, as its president. Among the other distinguished members of this body were Gerard C. Brandon, former governor of the State, and John A. Quitman and Charles Lynch, who were afterwards elected to this high position. The convention completed its work on October 28th, after a session of one month and sixteen days. The new constitution went into effect without being voted on by the people for adoption or rejection.

220. The Constitution of 1832.—Probably the most important change introduced by the constitution of 1832 was the requirement that all officers, both State and county, should be chosen by the people. Another change, scarcely less important, forbade the election of any officer in the State for life or for a term of good behavior. By a third change citizens were no longer required to own property

in order to vote or to hold office. By another provision ministers of the Gospel were allowed to become members of the legislature and to hold the office of governor. Provision was made for a "High Court of Errors and Appeals," for a superior court, and for probate courts. The office of lieutenant-governor was done away with, the president of the senate being authorized to act as governor in case of a vacancy in that office.



W. L. Sharkey

The bringing of slaves into the State as merchandise or for sale was forbidden, and imprisonment for debt, after the surrender of the debtor's property for the benefit of his creditors, was prohibited except in case of fraud. The legislature was authorized to meet in regular session every two years instead of every year.

221. The Supreme Court.—The "High Court of Errors and Appeals" consisted of three judges, elected for a term

of six years, one of whom was to be chief justice. D. W. Wright,* William L. Sharkey,† and Cotesworth P. Smith‡ were the first judges elected.

*Judge Wright was a native of Tennessee. He was a man of ability, though he never wrote an opinion in the five years he was on the bench.

†Judge Sharkey was a native of Tennessee. His parents had

222. Public Buildings.—The constitution of 1832 provided that Jackson should be continued as the capital of the State, at least until 1850. A resolution was offered in the constitutional convention to prohibit the legislature from paying for the erection of public buildings at Jackson until after 1840. This was intended to give time for the northern part of the State to become settled and thus bear its share of this expense. Although the resolution was favored by the "river counties," it failed to pass.

223. Legislative Action.—It was now necessary for the legislature to pass laws that would put the new constitution in successful operation. When the legislature met unsuccessful efforts were made, first, "to change the new constitution," and then "to revise, modify, and perfect the old constitution of 1817." All difficulties were finally overcome, and the legislature passed the acts necessary to give the new constitution a fair trial.

settled in Warren county when he was only six years of age. At the time of his election he was engaged in the practice of law at Vicksburg. He was widely recognized as a man of great legal ability and, although he had vigorously opposed the election of the judiciary, he was the first chief justice to be chosen by this method in Mississippi. The fact that he held this exalted position for eighteen years, having been re-elected from time to time from his district, a majority of whose voters differed from him in political principles, shows the high esteem in which he was held by his fellow-citizens.

‡Judge Smith was a native of South Carolina. He had settled in Wilkinson county, Mississippi, in his boyhood. Previous to his election he had served in both houses of the legislature of his adopted State. His first term on the supreme bench expired in 1837. Two years later he was re-elected to this position and served on the supreme bench at intervals until 1851, when he became chief justice. He was "a judge without fear and without reproach, a citizen conscientious in the discharge of every duty, and a man whose heart was open to every sympathy for the wants and sufferings of his fellow-men."

224. National Politics.—Another thing that disturbed the political situation in Mississippi at this time was national politics. In 1832, for the first time since the admission of the State into the Union, its citizens divided their votes in the election of a President. For several years previous to 1828 the presidential campaigns had been nothing more than bitter personal contests between men, all of whom belonged to the same party. In 1828 the followers of Clay and Adams organized the National Republican party, which afterwards came to be known as the Whig party. Their opponents were at first known as “Jackson Men,” but later took the name of Democrats, by which they have since been known. By vetoing an act of Congress (1832) for rechartering the Bank of the United States, Jackson brought on a sharp conflict between the parties. In 1832 the Whig party brought out Henry Clay, its great leader, in opposition to President Jackson, who had been renominated by the Democratic party.

225. Presidential Election of 1832 in Mississippi.—In Mississippi there was a spirited contest between these two parties, and for several months before the election national questions, instead of State issues, occupied the attention of the people. This contest was made more bitter because of the fact that Mr. Poindexter, who had been elected to the Senate of the United States two years previously, had become no less active in opposing than he had formerly been in defending the course of General Jackson. Yet all opposition to Jackson was useless in Mississippi, and he carried the State by a large majority.

226. Nullification.—The presidential election was scarcely over in the State, when the legislature expressed the views of the people upon another great question which was a cause of disturbance at this time. The State of South Carolina passed (November, 1832) an ordinance declaring

the tariff law of 1828 null and void within her limits. President Jackson pronounced the ordinance of South Carolina contrary to the constitution of the United States, and urged the people of that State to reconsider the action they had just taken. On this great question the legislature of Mississippi passed resolutions in which they declared that the doctrine of nullification was 'contrary to the letter and spirit of the constitution, and in direct conflict with the welfare, safety, and independence of every State in the Union; and to none of them would its results be more ruinous than to the State of Mississippi.'

227. Death of Governor Scott.—In 1832 Asiatic cholera spread throughout the Mississippi Valley. On October 20th of that year it appeared in Vicksburg. About the same time it broke out in several places along the Mississippi. Several months later it reached Jackson. Although many of the citizens of the capital fled to escape from this terrible disease, the importance of official business caused the governor to remain. He caught the disease and died (June 12, 1833). A writer of the times, in announcing his death, says: "He died lamented by all who knew him, the object of the respect and regard of every one who admires principle and appreciates character."

Upon the death of Governor Scott, Charles Lynch, president of the senate, discharged the duties of governor until the inauguration of Governor Runnels (November 20, 1833).

228. Formation of Holmes County (1833).—In February, 1833, Holmes county was formed out of a portion of Yazoo. Governor Scott had opposed the act creating this county, but it was passed over his veto by a two-thirds vote in each branch of the legislature.

Summary

1. So many changes had taken place in the political ideas of the people of Mississippi in the fifteen years following the formation of the first constitution that the legislature of the State took steps for the formation of a new constitution (December 1831).

2. The constitutional convention met in Jackson (September 10, 1832), and organized by electing the Hon. P. Rutilius R. Pray as its president. It completed its labors after a session of one month and sixteen days.

3. The second constitution of Mississippi differed from the first in the following respects: (1) All offices, both State and county, were made elective; (2) no officers of the State could be elected for life or for the term of good behavior; (3) all property qualifications for voting or holding office were removed; (4) ministers of the gospel were made eligible to membership in the legislature or to the office of governor; (5) the judicial system of the State was reorganized; (6) the office of lieutenant-governor was abolished.

4. The supreme court of Mississippi as first organized consisted of William L. Sharkey, Cotesworth P. Smith, and D. W. Wright.

5. Immediately after the formation of the constitution of 1832 the people of Mississippi were confronted by the difficulties of applying successfully the new principles contained in the constitution. This task was made more difficult by the disturbing effects produced by national politics.

6. In the presidential election of 1832 in Mississippi, Senator Poindexter led, in vain, the attack upon the policy of General Jackson, the Democratic nominee.

7. The legislature of Mississippi denounced the tariff of 1828, and maintained that the doctrine of nullification was contrary to the constitution.

8. In the autumn of 1832, Asiatic cholera spread throughout the Mississippi Valley. Several months later Governor Scott contracted the disease and died in June, 1833.

CHAPTER XXIV

BEGINNING OF POLITICAL DISSENSIONS (1834-1837)

229. Administration of Governor Runnels (1833-1835).—

Governor Scott had been a candidate for reëlection, but was defeated about a month before his death by Hiram G. Runnels, of Hinds county. Governor Runnels was a native of North Carolina, his father having settled in Lawrence county in the territorial period. In the administration of Governor Runnels sixteen new counties were formed, and there was a conflict between the chief executive and the senate.

230. Creation of New Counties.—In December, 1833, the greater part of the territory acquired through the treaty of Dancing Rabbit Creek was divided into sixteen new counties. Four of these—Noxubee, Kemper, Lauderdale, and Clarke—extended along the Alabama line. In the second row of counties from that line were Oktibbeha, Winston, Neshoba and Jasper, all of which were established by the same act. To the west of the latter counties were organized Choctaw, Attala, Leake, Scott, and Smith. Three other counties—Tallahatchie, Yalobusha, and Carroll—were also created at this time.

231. Representation of the Newly Organized Counties.—

On January 19, 1835, the governor called the legislature in extra session. As the census had not been taken since the organization of the counties created in 1833, no arrangement had been made for the election of members of the legislature from those counties. The governor, however, ordered elections to be held, asserting that these counties were entitled to representation. The lower house admitted the representatives from these counties, but the upper house

of the legislature claimed that the governor had no right to order such elections. It not only refused to recognize the representatives who had been thus elected, but pronounced the lower house of the legislature, in which they sat, an unconstitutional body.

232. The Expunging Resolutions.—General Jackson, who understood his reelection to the presidency in 1832 to be a popular verdict in favor of his policy in opposing the national bank, proceeded to destroy that institution by removing the public moneys therefrom. Resolutions censuring this action were passed by the Senate of the United States, both of the senators from Mississippi—George Poindexter and John Black—voting for them. Governor Runnels was a sincere admirer of the President, and desired the legislature of Mississippi to instruct the senators from that State to vote for a motion to take the resolutions of censure from the records of the Senate of the United States. The lower house of the legislature agreed with Governor Runnels, and desired to gratify his wish, but the senate not only refused to act on the measure, but set a date for adjournment. The house refused to adjourn, however, and it became necessary for the governor to exercise the authority granted to him by the constitution, to fix the time for adjournment when the two houses could not agree thereon. He, therefore, adjourned the legislature after a stormy session of only eleven days.

233. Election of 1835.—Governor Runnels was renominated by the Democratic party of the State as candidate for governor, and Charles Lynch was nominated by the Whig party. The campaign which followed was marked by much bitterness, the best speakers of both parties entering the contest with an enthusiasm hitherto unknown.

The most prominent men in this campaign were Robert

J. Walker, Franklin E. Plummer,* and George Poindexter, the three candidates for the Senate of the United States. Mr. Walker, who asserted that he had made the first nomination of Jackson for the presidency in Pennsylvania, before coming to Mississippi, was brought out by the Jackson party in opposition to the national bank. He was ably assisted by H. S. Foote, a candidate for the office of chancellor on the same ticket. Governor Poindexter, who was approaching the end of his political life, made some forcible speeches against General Jackson. He was not physically able, however, to follow his opponents over the State. Franklin E. Plummer also entered this contest as an independent candidate for the Senate, but really in the interest of Poindexter. His famous battle cry, "Plummer for the people and the people for Plummer," resounded throughout the State. He was at once recognized as the leading spirit among those opposing the Jackson Democrats. Although a candidate for the Senate, he directed his rugged eloquence chiefly against Governor Runnels, whom he succeeded in defeating.† Lynch was elected

* Mr. Plummer, a native of Massachusetts, came to Mississippi at the age of 21 and opened a "log cabin school" in Copiah county shortly after its creation. When Simpson county was organized, he removed to Westville, where he "stuck out his shingle as attorney and counsellor-at-law." He represented his county in the legislature for several years and finally, "in 1829, to the surprise, not to say the disgust, of the old politicians he announced himself for Congress." He was successful in this campaign, as well as in all others which he entered previous to 1835, when he ran for the Senate. Governor Runnels and Mr. Plummer founded two rival towns, Tullahoma and Pittsburg in Grenada county. These were afterwards consolidated into the town of Grenada.

† This campaign was also noteworthy because in it "a sectional complexion was first given to the discussions of political questions in Mississippi," and "political runners" were first

governor, though the Democrats had a majority in the new legislature. David Dixon and Colonel J. F. H. Claiborne, both of whom were Democrats, were elected to the lower house of Congress, and Robert J. Walker was elected to the Senate of the United States over Poindexter and Plummer.

234. The Texas Revolution.—The people of Mississippi greatly sympathized with their friends and relatives in Texas, who were suffering under the oppressive rule of Mexico. Within one month from the time Texas had declared her independence, the citizens of Vicksburg raised \$3,500 to aid that State in the struggle which followed. General Felix Houston also publicly enlisted Mississippi troops for the service of Texas. When Santa Anna, the Mexican general, boasted that he would not stop until his troops slept on American soil and were quartered in New Orleans, the martial spirit of John A. Quitman, of Natchez, was aroused, and he devoted himself to the raising of volunteers for the defence of the country he loved so well. In three days he had a force of one hundred picked men, armed and equipped at his own expense. Hurrying off with his little band, he had nearly reached the scene of conflict, when Santa Anna was routed and his forces scattered.

235. An Interregnum.—The constitution of 1832 provided that the governor should continue in office "two years from the time of his installation." Governor Runnels, who had been installed on the 20th day of November, 1833, declined to continue in the office until January, 1836,

sent over the State "to make appointments, circulate documents, and make cross-road and bar-room speeches." Mr. Walker was responsible for both of these innovations. Read the interesting account of this campaign given in Claiborne's *Mississippi*, Chapter XXXI.

the date fixed for the inauguration of his successor. The president of the senate and the speaker of the house having been elected to other offices, the secretary of state called the senate in special session December 3d to elect a president to fill the office of governor until the installation of Governor Lynch. John A. Quitman was chosen to this position, and began at once to discharge the duties of the office, which he held until January 7, 1836. During the two weeks preceding his election, however, the State had no governor.

236. Administration of Governor Lynch (1836-1838).—

Charles Lynch was inaugurated on the 7th day of January, 1836. The two years of his administration were a period of financial extremes—the people of Mississippi were excited over the “flush times” and the great financial panic which followed (1837). This period is also remarkable because in it immigration from the older States increased rapidly, and foreign vessels, loaded with imports, ascended the Mississippi to Natchez for the first time. The principal political events of Governor Lynch’s administration were the organization of ten new counties, the disagreement which arose over their representation in the legislature, and the heated contest between the Democratic and Whig parties.

237. Treaty with the Chickasaw Indians (1832).—On October 22, 1832, the United States made with the Chickasaw nation, at their council-house on Pontotoc Creek, a treaty which destroyed the remaining Indian titles to lands within the borders of the State. This gave the State the land now embraced in about twenty counties. The terms of the treaty were the same as those of the last treaty with the Choctaw nation, except that the Chickasaws retained the right to decide when they would move. Many of them left the State in 1835, and by the end of the year 1839 the

rest had moved to their new lands west of the Choctaw nation in the Indian Territory.

238. Representation of the Chickasaw Counties (1836).—

The question of providing for the representation of the Chickasaw counties now became a serious one. As no census of these counties had been taken, and no provision made for their representation in the legislature, the governor refused to order elections in them. The boards of police in these counties, however, ordered elections, asserting that, according to the constitution, every county was always entitled to at least one representative. Since representation in the senate was based entirely upon population, and no one county had a sufficient number of inhabitants to entitle it to one member in the upper house, senators could not be elected until the different counties had been grouped into senatorial districts. When the legislature met (January, 1837), the members from these counties asked for admission. They obtained seats in the house against the wishes of twenty-two of its members, led by Sargent S. Prentiss, the member from Warren county. The senate also opposed the seating of the new members, since it destroyed the proportion between the two branches of the legislature, as established by the constitution, and deprived the upper house "of its share in the exercise of the powers of legislation." As the two houses could not work in harmony, the legislature adjourned after passing important acts relative to the Union Bank and to the New Orleans and Nashville Railroad.

In April of the same year the governor called the legislature in special session to prevent, if possible, the financial ruin which threatened the State. At this time twelve members from counties which had not been authorized to elect representatives, were admitted to seats in the lower house.

This led to the resignation of several members of both branches.

Summary

1. At an extra session of the legislature, convened by Governor Runnels in 1835, a contest arose over the representation of the sixteen newly organized counties; the lower house admitted the new members against the protest of the senate.

2. Governor Runnels wished the legislature to instruct the United States Senators from Mississippi to support the expunging resolution, and the lower house was in favor of such an action, but the senate refused to act on the measure. Governor Runnels then adjourned the legislature.

3. The political campaign of 1835 caused much bitterness, the principal issue being the national bank question. The Democrats, who opposed the bank, were defeated in the contest for governor, but were successful in electing congressmen and had a majority in the State legislature.

4. The citizens of Mississippi greatly sympathized with the people of Texas in their struggle for independence and aided them with money and men.

5. Governor Runnels' term expired November 20, 1835, and for about two weeks there was no one legally qualified to act as governor. John A. Quitman was elected president of the senate December 3, and served as governor until the following January.

6. The two years of Governor Lynch's administration (1836-1838) present a period of financial extremes, the "flush times" and the great financial panic of 1837. Foreign vessels ascended the river to Natchez for the first time, and immigration from the older States increased.

7. The United States made a treaty with the Chickasaw Indians in 1832, which destroyed the remaining Indian titles to the lands within the State. This tribe had all moved to the Indian Territory by 1839.

8. When the legislature met in 1837 the representatives to the lower house from the ten newly organized counties were seated after a heated contest in which the opposition was led by S. S. Prentiss. An important act relating to the Union Bank was passed, and the New Orleans and Nashville Railroad was incorporated.

CHAPTER XXV

BANKRUPTCY AND REPUDIATION (1837-1844)

239. Congressional Campaigns of 1837, 1838, 1839.—The money troubles which threatened the country caused President Van Buren to call an extra session of Congress to meet in September, 1837. The terms of Claiborne and Dixon in Congress had expired on the 4th of March preceding this session, and as the regular election would not



SARGENT S. PRENTISS

come off until the November following, it became necessary for Governor Lynch to order a special election in July, for the purpose of filling the vacancies. In this election, Claiborne and Gholson, the Democratic candidates, defeated Prentiss and Word, the Whig candidates, through the opposition of the Chickasaw counties, to whose represen-

tation in the legislature Prentiss had objected the year before. Claiborne and Gholson were seated for the entire session of two years, and did not, therefore, stand for reelection at the regular election in November. Mr. Prentiss, however, canvassed the State, speaking in forty-four out of the fifty-seven counties. In consequence the Whig candidates were elected by a large majority. Congress having seated Claiborne and Gholson for the full term of two years, the historic contest then followed in which the

thrilling eloquence of Prentiss gave him a national reputation as an orator. As a result, Claiborne and Gholson were unseated, though Prentiss and Word were not admitted into the house to fill the vacancies thus created. A special election was held in April, 1838, to settle the matter. Mr. Gholson* declined a renomination, and James Davis was chosen in his stead to enter the race with Colonel Claiborne.† The eloquence of Prentiss broke the power of the opposition, and he and Word were elected. At the expiration of his term of office Mr. Prentiss did not offer for reëlection.‡ The campaign of 1839 was, therefore, less brilliant than those of the two preceding years, and ended disastrously for the Whig party. The election resulted in the choice of A. G. Brown and Jacob Thompson to represent the State in the lower house of Congress.

240. Administration of Governor McNutt (1838-1842).—The election of 1837 resulted in a victory for Alexander G. McNutt, the brilliant young Democratic candidate for governor, over J. B. Morgan, the nominee of the Whig party. McNutt was a native of Virginia and a graduate of Washington College. He had lived in Mississippi about fifteen years when he was inaugurated governor of the State (January, 1838). In his first term as governor there

* Shortly after Gholson declined to run for Congress, he was appointed judge of the Federal District Court for Mississippi, which position he held for many years. He afterwards served with distinction in the Confederate army.

† Colonel Claiborne devoted the greater part of the remainder of his life to literary work. He achieved prominence as an editor, but his greatest title to distinction rests upon the results of his historical investigations.

‡ For interesting information concerning the life of Prentiss, see Prentiss' *Life of Prentiss*; Shield's *Life and Times of Prentiss*; Baldwin's *Flush Times of Alabama and Mississippi*, pp. 197-222; Spark's (W. H.) *Memories of Fifty Years*, pp. 354-361.

occurred two spirited political contests in which the Whig party was successful. One of these resulted in the election of Prentiss and Word to Congress, as related above; the other, in the choice of Dr. John W. King, of Rankin county, for speaker of the lower house of the legislature over A. G. Brown, the talented young Democratic leader from Copiah. In the first year of Governor McNutt's term the legislature reenacted a measure of a previous legislature incorporating the Union Bank, and passed, with reference to this institution, a "supplemental act," which exerted a great influence upon the politics of the State. State bonds were also issued and sold to pay for five million dollars of stock in this bank. (§248.)

At the expiration of his term, Governor McNutt was reelected, defeating Judge Edward Turner, the Whig candidate for governor. At the same time A. G. Brown and Jacob Thompson were elected to Congress. In his second term Governor McNutt recommended the repeal of the charters of all broken banks and made an active war upon the Union Bank, the Planters' Bank, and the Mississippi Railroad Company. He also urged that the State refuse to pay the debt which she owed for the Union Bank bonds. In this he was opposed by the legislature, which passed resolutions in favor of paying them. His recommendation that the legislature select a site for a State university was more favorably received, and on the 26th day of January, 1841, the two houses in joint session located the University near the town of Oxford, in Lafayette county.

241. Northern Boundary of Mississippi.—In February, 1838, the legislature fixed the boundary which had been recently run between Mississippi and Tennessee by commissioners representing these two States. For several years previous to this time the people of Mississippi had

insisted upon having this boundary run, many of them expecting to acquire thereby the city of Memphis; but, to their surprise, the State lost instead of gaining territory by the new survey.

242. Completion of the Statehouse (1839).—As early as 1833 an appropriation had been made for building a Statehouse. It met with opposition from the people of many of the older counties, who insisted upon waiting for the settlement of the newly acquired Indian lands, in order



THE OLD STATEHOUSE

that the northern part of the State might bear its share of the expense. This opposition, with the smallness of the original appropriation, accounts for the fact that the building was not ready for occupation until 1839.

243. Destruction of "Natchez Under the Hill" (1840).—On the 7th day of May, 1840, Natchez was visited by a terrible tornado, which laid the city in ruins and killed

several hundred people. It completely destroyed that part of the city known as "Natchez Under the Hill," which was the abode of the rougher element of the population, and had been the scene of many crimes and drunken spree. Three steamboats and about eighty flatboats were sunk and their cargoes lost.

244. Visit of General Jackson to Mississippi (1840).—In January, 1840, General Andrew Jackson went to New Orleans to be present at the laying of the corner stone of a monument built to celebrate the great victory he had won at that place twenty-five years before. On his way up the Mississippi he stopped at Natchez and Vicksburg, where he was received with many evidences of affection. In response to an invitation from the legislature, delivered to him by a special committee, he visited the capital of Mississippi, where he was greeted by a throng of admirers, who did everything in their power to make the occasion worthy of their honored guest.

245. Formation of Harrison County (1841).—By a legislative act of February 5, 1841, Harrison county was formed out of parts of Hancock and Jackson counties.

246. Political Campaigns of 1841.—In the summer of 1841 Judge David O. Shattuck was nominated by the Whigs as a candidate for governor. The Democrats nominated Hanson Allsberry, but he left the State shortly afterwards, and the nomination of his party fell to Tilghman M. Tucker, of Columbus. Sargent S. Prentiss became the Whig candidate for the United States Senate. He was opposed by Robert J. Walker. The bond question was the issue of this campaign. The platform of the Whig party favored the payment of the bonds, but that of the Democratic party was silent on this point. The utterances of Governor McNutt against the payment of the bonds were considered, however, as expressive of the Democratic

position on the subject. The bond question was ably discussed throughout the State. The principal speakers of the Whig party were Sargent S. Prentiss and George Poindexter, and those of the Democratic party were Alexander G. McNutt, Robert J. Walker, William M. Gwin, and Jacob Thompson, the last two being candidates for Congress. The Democratic ticket was elected by a small majority, and this was regarded as expressing the opposition of the people to the payment of the bonds. When the legislature assembled in the following January, Mr. Walker was reelected to the United States Senate, defeating Mr. Prentiss,* who then retired from political life.

247. Administration of Governor Tucker (1842-1844).—Governor Tucker was inaugurated in January, 1842. The principal events of his administration were the act of the legislature repudiating the Union Bank bonds, the completion and the occupation of the executive mansion, the defalcation of the State treasurer, and the increase of the representation of the State in the lower house of Congress.

248. The Union Bank Question.—In 1838 the legislature decided that the State should own part of the Union Bank, and passed an act authorizing the governor to issue bonds which would enable the State to raise five millions of

* This celebrated leader of the Whig party in Mississippi was born in Portland, Maine, in 1808. He came to Mississippi in the autumn of 1827. After he had spent several months teaching near Natchez, he began the study of law under the direction of Robert J. Walker, his future political opponent. In 1832 he removed to Vicksburg. After serving in the legislature of the State and in the Congress of the United States, he retired to private life. In July, 1845, a decision of the Supreme Court of the United States in a case involving the possession of the property which he had accumulated at Vicksburg, led to his financial ruin. A few months later he removed to New Orleans, where he spent the remaining five years of his life.

dollars for that purpose. This was done, though many people of the State were opposed to it. A few years later every one saw that the bank was losing instead of making money.

Then the people who had opposed the legislative act by which the State came to own part of the bank insisted that the legislature repudiate, or refuse to pay the debt that had been made for that purpose. They argued that the legislature had been forbidden by the constitution of the State to make this debt and that the tax-payers of the State should not be made to pay it. Some argued that, although the debt was not lawful, the people of Mississippi should pay it in order to save the reputation of the State, and to prevent loss to those who had bought the bonds issued by the State for raising the five millions of dollars. Others said that the debt was lawful and just, and should, therefore, be paid. The State refused, however, to pay it.

If foreign nations, whose citizens had bought the bonds and the people of the State who favored paying this debt, had acted differently, it would, probably, have been paid. Claiborne says of the people of Mississippi: 'Liberally they would have given had the application been put in some other form than a threatening demand, but not a dime would they yield to insult and threat.' The same writer tells us that at a public meeting in the State, after General John A. Quitman had made a strong appeal for the payment of the debt, the speaker who followed him spoke of English vessels in the Gulf and of their right to seize cotton belonging to Mississippians. This aroused the warlike spirit of General Quitman, who immediately got up and said: "Sir, in that event I join my countrymen who oppose the payment of the bonds. My sword—aye, sir, the last drop of my blood, shall be spent in resisting the demand.

My State, sir, may she always be right ; but, right or wrong, the State, sacred, intangible, and unprofaned forever.”*

249. Defalcation of Richard S. Graves.—On the 22d of March, 1843, Richard S. Graves, the treasurer of the State, was arrested on a charge of stealing from the State treasury \$44,838.46. During the trial he was confined in his home, in the care of the sheriff of Hinds county. On the fourth day after his arrest his wife was admitted to his room by the guards. After the lapse of a short time she returned to her own room, as the guards supposed. Afterwards it was found that Mr. Graves, dressed in his wife's clothing, had passed the guards and made his escape. Although a liberal reward was offered for his capture, he escaped to Canada, thus evading the penalty of his crime.

In after years Mrs. Graves returned to Jackson and made



JACOB THOMPSON

a touching but vain appeal to the legislature of the State in behalf of her aged and infirm husband, who, she said, desired above all things to return to Mississippi to spend the remainder of his life and to be buried finally beneath its soil.

250. Political Campaign of 1843.—In the autumn of 1843 an effort was made to form a union between the Whigs and that branch

of the Democratic party which was in favor of paying the bonds. This plan failed, and the election which fol-

* Claiborne's *Life and Correspondence of John A. Quitman*, Vol. I., p. 208.

lowed resulted in another Democratic triumph. Albert Gallatin Brown, of Copiah, was elected governor and Jacob Thompson, Tilghman M. Tucker, W. H. Hammett, and R. W. Roberts were elected representatives in the lower house of Congress. At this time four congressmen were elected instead of two because of the increase in the population of the State, as shown by the census of 1840.

251. Jefferson Davis.—The campaign of 1843 is noteworthy because it marked the beginning of the political career of Jefferson Davis, who was then the Democratic candidate for State senator from Warren county. He was born in Kentucky in 1808 and came to Mississippi with his parents when a child. After graduating at West Point at the age of twenty, he spent seven years in the army, serving in several campaigns against the Indians on the western frontier. At a time when his military career gave promise of great distinction he voluntarily resigned his commission as first lieutenant in the army and retired to private life. He married a daughter of General Zachary Taylor, and lived in a quiet home near Vicksburg. The next eight years of his life were devoted to hard study. In 1843 he suddenly left this quiet life and entered politics. As his county was a stronghold of the Whig party, he was defeated for the State senate, but the reputation he made in this race caused him to receive other honors, which then came in rapid succession. In 1844 he was made a presidential elector on the Democratic ticket. The year following he was sent to Congress, entering the national House of Representatives shortly before the outbreak of the Mexican War. He was afterwards elected to the United States Senate, but resigned to enter the race for governor. In 1853 he entered President Pierce's cabinet as secretary of war.*

* See Pollard's *Life of Jefferson Davis with a Secret History of the Confederacy*.

Summary

1. In order that Mississippi might have representatives in the extra session of Congress in 1837, a special election was held, which resulted in the choice of the Democratic candidates, Claiborne and Gholson. Although they were seated for the entire session of two years, Prentiss and Word, the Whig candidates, were chosen at the regular election and unseated Claiborne and Gholson, but did not themselves obtain seats. At a special election, held in April, 1838, Prentiss and Word defeated Claiborne and Davis.

2. In the first term of Governor McNutt (1838-1840) the Whigs won a second victory in the election of a speaker of the house; the Union Bank was incorporated and State bonds were sold to pay for five million dollars of stock therein; the northern boundary of the State was run; and the Statehouse was completed.

3. In his second term (1840-1842) Governor McNutt made a vigorous war upon the Union Bank, the Planters' Bank of Mississippi, and the Mississippi Railroad Company; "Natchez Under the Hill" was destroyed by a terrible tornado; and General Jackson visited the State.

4. In the election of 1841 the Democrats, who opposed the payment of the bonds, defeated, by a small majority, the Whigs, who favored paying them.

5. The principal events of Governor Tucker's administration (1842-1844) were the completion and occupation of the executive mansion, the increase of the representation of the State in the lower house of Congress, and the defalcation of Richard S. Graves, treasurer of the State.

6. In 1843, the people of the State were very much agitated over the question of the payment of the Union Bank bonds. Jefferson Davis entered politics for the first time in this campaign.

CHAPTER XXVI

INTERNAL JEALOUSIES AND FOREIGN WAR (1844-1848)

252. Administration of Governor Brown (1844-1848).—

Albert Gallatin Brown was born in South Carolina in 1813, and in early life removed to Mississippi and settled in Copiah county. Although he was scarcely thirty-one years

of age at the time of his inauguration as governor of Mississippi, he had seen ten years of public life in the



A. G. Brown

legislature, in Congress, and on the bench. It is said that he was never defeated before the people for any office for which he was a candidate.

In his first term as governor of Mississippi the State University was incorporated by a legislative act (1844) providing for the appointment of a board of trustees, to whom the organization and government of that institution were to be intrusted. Another interesting event of the year 1844 was the visit to Mis-

issippi of Henry Clay, the great Whig leader.

The second term of Governor Brown (1846-1848) was marked by an effort to establish a public school system and by a bitter contest between the old and new counties of the State. At this time, too, the war with Mexico absorbed the attention of the people of Mississippi.

253. Visit of Henry Clay to Mississippi.—On his return from New Orleans in 1844 Henry Clay, in response to an invitation from his supporters and admirers in Mississippi, visited the capital of the State. He was then a candidate for the presidency in opposition to James K. Polk, the nominee of the Democratic party. At Vicksburg, Mr. Clay was met by a committee who escorted him to Jack-

son, where he was greeted by an immense gathering of people, who assembled to give him a welcome to the State. He stood in an open carriage in front of the Statehouse and delivered an eloquent address, which thrilled his audience and filled his followers with renewed enthusiasm for the principles which he advocated.

254. Formation of New Counties (1844).—The legislature of 1844 formed Issaquena county out of a part of Washington, and Sunflower county out of a part of Bolivar.

255. Division of the State into Congressional Districts.—On the 4th of March, 1846, the legislature divided the State into congressional districts. Previous to that time all of the representatives in Congress had been chosen by the State at large.*

256. Contests Between the Old and the New Counties of Mississippi.—When Mississippi was admitted into the Union only the southern third of the State was occupied by white people, the rest being held by the Indians. The destruction of Indian titles, followed by the rush of population to the central and northern parts of the State, made it impossible for the people of south Mississippi to control the State; and they were humiliated by the thought that the new counties would soon control affairs. The newer sections held, first, the balance of power, and then full control in all public questions. A division between the inhabitants of the old counties had enabled those of the new to overthrow the constitution of 1817, and then to repudiate the bonds of the State. The two sections also differed with each other with reference to the location of the University. There were at first seven places selected as possible sites for the institution. These were Louisville,

* For a list of the senators and representatives in Congress chosen after this date see Appendix.

Kosciusko, Mississippi City, Brandon, Oxford, Middleton, and Monroe Missionary Station. The contest finally narrowed down to Oxford and Mississippi City, one in the far northern, and the other in the extreme southern part of the State. The former place was chosen by a vote of 58 to 57. Five years later (1846) a representative from Wilkinson county vainly led a movement to divide the State into four collegiate districts, giving to each a fourth of the money that had been intended for the State University, in order to support colleges or universities at the most important points in the State.* In this same legislature (1846) these opposing sections were arrayed against each other on an apportionment bill, and south Mississippi was again defeated. The conflict reached its end by the middle of the year 1846, when a division of the State and the annexation of southwestern Mississippi to Louisiana was openly advocated.† At this juncture public attention was diverted by the war with Mexico and the sudden appearance of other questions of greater importance.

* See Mayes' *History of Education in Mississippi*, pp. 123-134.

† "The *Natchez Courier* is advocating the policy of annexing the southwestern part of Mississippi to Louisiana. We go in for it heart, hand, and soul, and have done so for some time past, through our paper and privately. There is scarcely a reason why we should remain linked (like the living to the dead among the Romans) to the dead carcass of northern Mississippi. There is little sympathy between us, few principles in common, but trifling intercourse between us, and no benefit derived by us from the State government, unless to pay the chief taxes and to have little or no representation in the legislature, and to be cursed with all the evils of local legislation made exclusively for the northern part of the State's benefit—be considered a benefit. . . . We say, go ahead—let us off—off from Brownism, demagogism, toadyism, repudiation, taxation without representation." (*Woodville Republican*, June 27, 1846.)

257. Change in Public Interest.—In the latter part of Governor Brown's second term old issues received less attention than in former years. Public interest in Mississippi was so absorbed by the war with Mexico that comparatively little attention was bestowed upon sectional or party grievances.

258. War with Mexico (1846-1848).—When Texas was annexed (1845) a dispute arose between the United States and Mexico over the boundary between the two nations. The disputed territory was occupied by United States troops, and war soon followed.

259. Response of Mississippi to the Call for Volunteers.—When war was declared the President of the United States called for only one regiment of volunteers from Mississippi, but the response was so hearty that more than enough companies for two regiments were at once formed. Ten of these companies were accepted and ordered to Vicksburg, where they were formed into a regiment* and placed under the command of Jefferson Davis, who resigned his seat in Congress in order to accept this important position. The organization of the regiment was then completed, Alexander K. McClung being chosen lieutenant-colonel and Alexander B. Bradford major. "The First Mississippi Regiment," wrote Reuben Davis, "was composed of the best-born, best-educated, and wealthiest young men of the State."

* This regiment consisted of the following companies: Wilkinson Volunteers, Raymond Fencibles, Vicksburg Volunteers, Lafayette Company, State Fencibles, Marshall Guards, Yazoo Company, Vicksburg Southrons, Tombigbee Company, Carroll Company. The Claiborne Company of volunteers, failing to get into the Mississippi regiment, went to New Orleans and offered their services to General Gaines. Not being accepted by him, they joined the Texas Rangers and thus got into the war.

In the latter part of 1846 the people of Mississippi promptly responded to a call for another regiment of volunteers. The ten companies composing the Second Mississippi Regiment* were ordered to Vicksburg. The regiment was organized with the following officers: Reuben Davis, colonel; J. H. Kilpatrick, lieutenant-colonel; and Ezra R. Price, major; but, very much to the disappointment of its members, it did not have an opportunity to appear on the field of battle.

At the outbreak of the war John A. Quitman, of Natchez, received from President Polk an appointment as brigadier-general of volunteers.†

260. Mississippians in the Mexican War.—Shortly after the organization of the First Mississippi Regiment, it was ordered to the scene of conflict by way of New Orleans. It was there joined by Colonel Davis, who had sailed from New York, having on board the ship with him the rifles for arming his men. His regiment was finally ordered to join the army of General Taylor in its advance against Monterey. In the bloody attack of three days which soon followed, the Mississippi regiment was in General Quit-

* The Second Mississippi regiment was composed of the following companies: Lowndes Guards, Choctaw Volunteers, Marshall Relief Guards, Lauderdale Volunteers, Monroe Volunteers, Tippah Guards, Thomas Hinds Guard (Jefferson county), Union Grays (Attala county), Panola Boys, Union Company (Lawrence and Covington counties).

† This distinguished citizen of Mississippi was born in New York in 1798. He came to Mississippi in 1821 and soon gained prominence in the practice of law at Natchez. He then entered politics and was elected a delegate to the constitutional convention of 1832. He was afterwards elected president of the State senate, and chancellor of the State. Upon receiving his appointment as brigadier-general of volunteers he left without delay for the seat of war, where his great achievements soon made his name a household word throughout the nation.

man's brigade, and fought bravely. Colonel McClung received two wounds while leading an assault. Earl Van Dorn, another Mississippian, who had gained distinction by exposing himself to the fire of the enemy in order to replace an American flag that had been cut down by a cannon ball, added new glory to his State by his bravery in this bloody battle.* When the Mexicans finally began to yield, Colonel Davis was appointed one of the commissioners to arrange the terms for a surrender of the city. Five months later (February 21-23, 1847), at the battle of Buena Vista, where the American forces were greatly outnumbered by the enemy, the soldiers of Mississippi won still greater honors. Here Colonel Davis, at a critical moment in the battle, arranged his troops across a narrow pass in a "V-formation," both flanks resting on ravines, and thus repelled the charge of three times their number of Mexican lancers. This turned the tide of battle and saved the day for the Americans. This movement was pronounced by the Duke of Wellington, the great hero of Waterloo, to have been new and masterly. General Taylor, in speaking of this battle, said that the Mississippi regiment was whipped three times without knowing it, and that the men "fought on just as if nothing uncommon had happened to them."

After the victory of Buena Vista the American forces under General Winfield Scott captured the city of Vera Cruz. Then followed a number of brilliant victories, which resulted in the capture of the City of Mexico. The great military qualities shown by General Quitman in the last engagement of the war led to his appointment by General

* He afterwards rendered himself conspicuous by his gallantry in the conflict at Cerro Gordo, Cherubusco, and at the Belen Gate, and was promoted to the rank of major before the end of this war.

Scott as governor of the city of Mexico. In this memorable conflict General Quitman distinguished himself by being the first in the fortress of Chapultepec (chā pōōl'ta-pĕk), the first on the walls of the capital, the first to take charge of the city, and the first to raise the American flag on its loftiest tower.

261. End of Local Jealousies.—In reviewing the career of the volunteers from the State who served in the war with Mexico, a Mississippi newspaper of the time says that "hereafter it will be sufficient to mark a man for distinction and honor for him to say, 'I was one of the First Mississippi Regiment.' Its gallant heroes have covered themselves and their State with everlasting glory, and bad, indeed, must be that heart which is not swelling with pride at the praise everywhere bestowed on the conduct of this brave band and its noble leader."*

These words from the pen of an editor who only a few months before had written articles in favor of a division of the State and the addition of his part of it to Louisiana are very suggestive. A common pride in the glorious deeds of her soldiers had strengthened the bond of sympathy between the two sections of the State. Old issues were soon to be lost in the graver national questions then arising, which demanded concert of action.

From this point the student may detect a gradual change in the current of State history which will soon reach the breakers of secession, war, and reconstruction.

Summary

1. The principal events of Governor Brown's administration (1844-1848) were the incorporation of the State University and the visit of Henry Clay to Mississippi. In his second administration (1846-1848) an effort was made to establish a public

* *Woodville Republican*, May 1, 1847.

school system; the jealousy between the old and the new counties reached a culmination; and the volunteers from Mississippi enlisted in the war against Mexico.

2. The people of the southern part of Mississippi lost political control of the affairs of the State. Some of them openly advocated a division of Mississippi and the annexation of their part of it to Louisiana.

3. The people of Mississippi responded so heartily to the call for volunteers to enter the war against Mexico that more than enough companies for two regiments were at once formed. Ten companies were selected to make up the one regiment that was desired and were placed under the command of Jefferson Davis.

4. In the latter part of the year 1846 a second regiment was called for and was quickly formed. This regiment was composed of some of the best men of the State, though it never saw any actual service.

5. The Mississippi troops took a very prominent part in the Mexican War. The bravery of McClung and Van Dorn at Monterey, the celebrated "V-formation" of Jefferson Davis at Buena Vista, and the great military achievements of John A. Quitman at the capture of the city of Mexico deserve special mention.

6. A common pride in the glorious achievements of Mississippi soldiers in the Mexican War tended to strengthen the bond of sympathy between the two sections of the State.

CHAPTER XXVII

POLITICAL TRANSITION (1848-1859)

262. Administration of Governor Matthews (1848-1850).

In 1847 Joseph W. Matthews, of Marshall county, the Democratic nominee for governor, was elected over Major A. B. Bradford, who had been nominated for that office by the Whig party. Governor Matthews was popularly known as the "Well Digger," from the fact that he had engaged in this occupation before entering public life. Although he had only a limited education, his strength of mind and honesty of purpose rendered him very popular

with the people, whom he delighted to serve. In his administration "Hutchinson's Mississippi Code," containing all the laws of the State from 1798 to 1848, was completed and adopted by the legislature; Colonel Jefferson Davis was unanimously elected to the Senate of the United States; a school providing for the instruction of the blind was established at Jackson (1848); and an act was passed (1848) which authorized the leasing of the Chickasaw school lands for a period of ninety-nine years.

263. History of the Chickasaw School Lands.—By an act of Congress, passed in 1803, the sixteenth section of public land in each township was reserved for the support of schools within the township. In violation of this act the United States made a treaty with the Chickasaw Indians (1834), which required that the lands held by these Indians should be sold for the benefit of the tribe. Two years later, Mr. Prentiss, who was then a member of the State legislature, prepared a very able report on this subject, and in July of the same year Congress granted the State the same number of sections to be chosen out of any public land that remained unsold within either of the land districts adjoining the Chickasaw counties. The lands thus selected are known as the "Chickasaw School Lands," and include 174,550 acres. By an act of the legislature of 1848 they were leased for a term of ninety-nine years. The fund thus secured (\$816,615) is known as the "Chickasaw School Fund." It was borrowed by the State and the interest upon it is still used for the support of the schools in the sixteen Chickasaw counties and in the counties of Tallahatchie, Webster, and Yalobusha.

264. Administration of Governor Quitman (1850-1852).—In 1849 General John A. Quitman, of Adams county, the nominee of the Democratic party, was elected governor over Luke Lea, of Hinds county, the nominee of the Whig

party. In the administration of General Quitman the people of Mississippi were greatly disturbed by the renewal

of the slavery agitation and the arrest of their governor by the Federal authorities.



JOHN A. QUITMAN

265. Slavery Agitation.—

As a result of the war with Mexico the United States became possessed of a vast western territory, which extended the national boundaries to the Pacific Ocean. This led in Congress to renewed agitation of the slavery question, which greatly disturbed the people of Mississippi in the latter part of Governor

Matthews' term and during the entire term of his successor. The Northern States insisted that there should be no slavery in California. The Southern people, who had done a great deal* toward adding this territory to the United States, resisted all measures that would prevent their citizens from carrying their slaves with them into this new country. The South was also demanding the passage of a better law for regaining possession of runaway slaves.

At a convention held at Jackson in October, 1849, an address was issued to the Southern people, proposing that a popular convention of the Southern States should meet at Nashville, Tennessee, on the first Monday in June of the following year. The proposition was favorably received,

* Taking into consideration the fact that the population of the North was at that time two-thirds greater than that of the South, the latter furnished more than three times her due proportion of volunteers for the Mexican War.

and the Nashville convention met at the appointed time. The delegates from Mississippi took a prominent part in the proceedings. Chief Justice W. L. Sharkey, of this State, was chosen president of the convention. The body passed resolutions recognizing the right of secession, whenever such a step might become necessary, and recommending such measures as were deemed proper for the protection of the rights of the Southern States. The passage by Congress of the Compromise Measures of 1850, which prohibited slavery in California and made a strict fugitive slave law, prevented secession at the time, but did not fully satisfy either section of the United States. The Democrats of the State, through their mass meetings and through their public press,* denounced these Compromise Measures, but the Whigs were generally in favor of them.

266. Resignation of Governor Quitman.—Governor Quitman was inaugurated in January, 1850. In February of the following year he was arrested by the United States marshal of the southern district of Mississippi on a charge of having given aid to Lopez in his expedition against Cuba. Before leaving the State for New Orleans, where he was to be tried before a Federal court, he resigned the office of governor, stating that the arrest and forcible removal from the State of her chief magistrate for an indefinite period of time would not only degrade the State,

* "We will and must secede from the Union. Either we must submit to disgrace and soon to abolition, with all its horrors, or we must prevent it and that by secession." (*Woodville Republican*.)

"It only remains to be decided whether we will submit or resist. For one we are for resistance." (*Vicksburg Sentinel*.)

"We recommend State secession. We see but two ways, secession or submission. Let the issue be fairly presented to the people—Secession or Submission." (*The Natchez Free Trader*.)

but would bring great injury and disaster upon her interests.

267. Governor Quitman's Successors.—John I. Guion, of Hinds county, who was president of the senate, discharged the duties of governor under the constitution until the expiration of his term as senator in November. After an interval of about three weeks, during which the State had no regularly qualified governor, James Whitfield, of Lowndes county, was chosen president of the senate and performed the duties of governor until the newly elected governor was inaugurated, in January, 1852.

268. Political Campaign of 1851.—Governor Quitman was renominated for governor by the Democratic party.* The Whigs, whose party was now dead, and a large number of Democrats that had favored the Compromise Measures in order to save the Union, met at Jackson and formed what was called the "Union party." They denounced the disunion movement, and nominated Henry S. Foote, who was then a United States senator from Mississippi, and had supported the Compromise Measures, as Governor Quitman's opponent. The legislature had called a convention to meet in September for the purpose of discussing the grievances of the State and adopting measures for redress. The delegates to this convention were to be elected the first Monday in September. In every county of the State each party nominated delegates to the convention and representatives to the legislature. The result of the election of delegates to the convention, which was held a month before the general election for State officers, was an overwhelming triumph for the Union party. When Governor Quitman learned that in this election the

* This party changed its name first to the "Southern Rights party" and then to the "Democratic State Rights party." The members of this party were also called "Resisters."

people of the State had pronounced against his views by a majority of nearly seven thousand, he withdrew from the contest. The Democratic party, being left without a leader, chose Jefferson Davis to take Governor Quitman's place on its ticket, hoping thereby to reverse the verdict of the people at the September election. Senator Davis responded to the call of his party, resigned his seat in the United States Senate, and entered the political struggle with great zeal. Although he was defeated, he reduced the majority of nearly seven thousand by which the Union party had carried the State in September to less than one thousand in the November election. The Unionists had a majority in the newly elected legislature, which, when it assembled, elected two United States Senators to succeed Jefferson Davis and Henry S. Foote, who had resigned their positions to enter the race for governor.

269. State Convention (1851).—The convention which had been called by the legislature, and to which delegates had been chosen in the September election, assembled at the appointed time (September). It was composed of ninety-three delegates, representing fifty-six counties of the State. As a majority of the delegates were Union men, the convention adopted resolutions declaring its unchangeable attachment to the Union.* After this there was little talk of secession in Mississippi until the next presidential election, in 1856.

270. Administration of Governor Foote (1852-1854).—Henry S. Foote was inaugurated governor of Mississippi in January, 1852. He came to Mississippi about 1830, and at once took a prominent part in the politics of the State. Governor Foote was a man of great ability, and had been highly educated. He enjoyed the excitement of party con-

* See Claiborne's *Life and Correspondence of John A. Quitman*, Vol. II., Chapters XVI. and XVII.

test, and was for many years a very prominent figure in the political history of Mississippi.*

In the first year of Governor Foote's term (1852) the Mississippi and Tennessee Railroad, connecting Grenada and Memphis, was chartered. The State was excited over the presidential campaign, in which General Winfield Scott, the Whig candidate for the presidency, was defeated by Franklin Pierce, the nominee of the Democratic party. In the same year Colonel A. K. McClung, in response to an invitation from the legislature, delivered before that body his eloquent address on the life and character of Henry Clay; and Louis Kossuth, the Hungarian patriot, visited Jackson, and was the guest of Governor Foote. In 1853 the State Lunatic Asylum was located near Jackson, two miles north of the Statehouse.

271. Question of Repudiation Reopened.—The High Court of Errors and Appeals† decided (1853) that the State ought to pay the debt which had been made by selling her bonds in order to get money to buy an interest in the Union Bank (§248). In the same year the question was again referred to the people of the State, whose vote not only upheld the act of the legislature passed eleven years before, but also repudiated the Planters' Bank bonds, amounting to two millions of dollars. The Planters' Bank bonds would doubtless have been paid by the State but for the fact that the friends of the Union Bank and the Planters' Bank "made a common cause in the fight against repudiation."‡

* See Foote's *Casket of Reminiscences*.

† For the arguments that were advanced at this time and the decision of the court see "The State of Mississippi vs. Johnson," 25 *Mississippi Reports*, p. 625.

‡ See Brough's *History of Banking in Mississippi* in the *Publication of the Mississippi Historical Society*, Vol. III.

The name of Judge William Yerger is intimately connected

272. Increase of Representation in the Lower House of Congress (1853).—The census of 1850 showed the population of Mississippi to be 606,526. The representation of the State in the lower house of Congress was increased from four to five.

273. Administration of Governor McRae (1854-1858).—In 1853 John J. McRae, the Democratic nominee for governor, defeated Patrick Rogers, who had been nominated for that office by the Whig party. Governor McRae was inaugurated in January of the following year. He was born in 1815 in Leedsborough, North Carolina. In 1837 he began the publication of the *Eastern Clarion* at Paulding, in Jasper county. Before his election to the office of governor he had served in both houses of the State legislature, and had been appointed by the governor to fill the vacancy in the United States Senate, resulting from the resignation of Jefferson Davis in 1851. In his inaugural address Governor McRae made a strong plea for public education, and argued that it was the duty of the State to provide for the education of its people.

The legislature of 1854 established at Jackson an institution for the education of the deaf mutes of the State. It also provided for the appointment of a commission to prepare a new code of laws. When the work of this commission was completed it was accepted by the legislature, and is known as the "Revised Code of 1857."

with the celebrated case to which reference has just been made. He was noted for his profound knowledge of the law and for his high sense of duty. Although a Whig, he was elected in 1850 to a seat upon the bench of the High Court of Errors and Appeals by a district that was Democratic. He delivered his decision in the bond case with boldness, in spite of the fact that it was not in accord with the view of the dominant party and was fatal to his future political preferment. For a sketch of the life of Judge Yerger see Lynch's *Bench and Bar of Mississippi*, pp. 326-341.

In 1855 Governor McRae was reëlected over C. D. Fontaine, of Pontotoc county, the nominee of the Know-Nothing party.

274. National Politics.—As the political history of Mississippi was at this time closely connected with national questions, it is necessary at this point to make a brief study of national politics in order to follow the course of the State's history.

In November, 1839, a new national party put forth a candidate for the presidency. It was known as the Liberty party, deriving its name from the fact that it favored the abolition of slavery. In the election of 1840 it polled a popular vote of only 7,609. From that time anti-slavery sentiment grew so rapidly in the North that at the next presidential election (1844) the Liberty party polled 62,300 votes. In 1848 the Whig and Democratic parties refused to take a stand on the slavery question, and this so displeased many of the members of these parties who opposed slavery that they held a separate convention at Buffalo, where they were joined by the old Liberty party, and formed the Free Soil party. They adopted a platform in which they declared that Congress* had no more power to

* The Southern people well knew that Congress had not made slavery, but that it was an established institution in all of the original thirteen colonies long before the Revolutionary War. Great Britain forced slavery on Virginia against the protests of the Virginia House of Burgesses; and in Jefferson's first draft of the Declaration of Independence this was mentioned as one of the grievances of the colonies against the mother country. Massachusetts was the first of the Northern colonies to abolish slavery (1780). As a matter of fact slave labor was not profitable in the North, and it was due to this economic principle that the Northern States abolished the institution. In the Constitutional Convention of 1787 the New England States voted for a continuation of the slave traffic, and traders from that section continued to import slaves into the South as long as they were permitted to do so (1808) by the Constitution of the United States.

make a slave than to make a king; that there must be a "free soil for a free people"; and that there must be "no more slave States, no more slave Territories."

The Compromise Measures of 1850 were not satisfactory either to the abolitionists or to the advocates of slavery. One of these measures, providing for the capture and delivery of runaway slaves, was nullified by many of the free States, and the number of abolitionists in that section increased; another, admitting California as a free State, was considered by many of those who favored slavery to be a breach of a former compromise passed in 1820, and to bring up anew the question of slavery or no slavery in the Territories. Stephen A. Douglass, the leader of one branch of the Democratic party, introduced in Congress a bill which left the settlement of this question in the Kansas-Nebraska territory to the inhabitants thereof. This led to the formation of a State government in Kansas under a constitution permitting slavery. As the compromise of 1820 had already declared that this part of the country was free territory, the passage of the bill caused great excitement throughout the United States. Those who opposed this bill withdrew from the old parties. Some of the Whigs, rather than enter the Free-Soil party, united with the "Know-Nothings," who "volunteered with reference to slavery, to be 'Do-Nothings.'" But all efforts to make the country forget the slavery question were vain. The opponents of the Kansas-Nebraska bill united to form another party, which soon came to be known as the Republican party. This party grew so rapidly that within one year after its organization it had obtained a popular majority in fifteen States; and the election of 1856, though a Democratic victory, showed that the Republican party would surely become a strong organization at an early date.

275. Presidential Election of 1856 in Mississippi.—

Although Governor Foote had been elected as an opponent of secession, there was little division of sentiment in Mississippi upon the question of extending slavery to the Territories, and when this became the great issue in national politics, it unified the party organization of the State, and gave Mr. Buchanan, the Democratic nominee, a large majority of the votes cast in Mississippi.*

276. Administration of Governor McWillie (1858-1860).

In 1857 William McWillie, the Democratic nominee for governor, was elected over Edward M. Yerger, the Whig candidate for that office. Governor McWillie was a native of South Carolina. In 1845 he settled in Madison county, where he engaged in planting. The interest he took in politics is shown by the fact that he was elected to Congress in 1849, when he had been in the State only four years. He was nominated to succeed himself two years later, but was defeated by the Union party in the same political campaign

*In 1857 Jacob Thompson of Mississippi entered the President's cabinet as Secretary of the Interior. This distinguished citizen was born in North Carolina in 1810. He moved to Mississippi in the twenty-fifth year of his age and settled at Pontotoc. He soon became a leader of the Democracy of North Mississippi, and took a prominent part in the numerous political campaigns that followed. For many years he served with distinction in the lower House of Congress. Shortly after entering the cabinet he reorganized the department of the interior by unifying the work of the different bureaus. This caused the department to grow in favor with the whole country. At the outbreak of the War between the States Mr. Thompson entered the service of the Confederacy. After serving his State on the battle-field and in the legislative hall, he was induced by President Davis to enter the secret service. He spent some time in this service in Canada. At the end of the war he returned to his home in Oxford. He afterwards engaged in business in Memphis. He died in the spring of 1885. For a sketch of his life see Claiborne's *Mississippi*, pp. 447-466.

in which H. S. Foote defeated Jefferson Davis for governor of the State. In the administration of Governor McWillie, Mississippi lost the services of that soldier and patriot, General John A. Quitman, who died in July, 1858; and the State, in common with the rest of the Union, became greatly agitated over the Kansas struggle* and over John Brown's raid.

277. Effects of John Brown's Raid.—In 1859 John Brown made a desperate, though unsuccessful, attempt to arouse the slaves of Virginia to an insurrection. This event stirred the South deeply, since a slave insurrection was to the people of the South the greatest danger they had to fear. It was discovered that Brown had received help from the North; and, although it was shown that those from whom he received arms and money thought they would be used in the Kansas struggle, the South felt that this method of opposing slavery had at least the moral support of the anti-slavery men of the North. Grave doubts began to arise in Mississippi and the other Southern States as to whether or not the Federal constitution would afford the necessary protection to slavery. In order to suppress in Mississippi all attempts like that made by Brown in Virginia, the legislature of 1859 appropriated \$150,000 for the purchase

*The trouble over the slavery question in Kansas grew more acute year after year until it plunged that Territory into a civil war. President Buchanan appointed Robert J. Walker of Natchez governor of Kansas Territory. Mr. Walker accepted this position against the advice of his friends, and promptly undertook the difficult task of restoring peace and harmony, which of course he could not accomplish. In after years he was sent to Europe as financial agent of the United States for the purpose of discrediting the Confederate States and preventing them from getting aid and recognition from foreign governments. A sketch of his life will be found in Lynch's *Bench and Bar of Mississippi*, pp. 109-112; also in Claiborne's *Mississippi*, pp. 415-423.

of military supplies, and passed an act to regulate the militia and volunteer systems of the State.

Summary

1. In the administration of Governor Matthews (1848-1850) "Hutchinson's Mississippi Code" was adopted by the legislature; Jefferson Davis was elected to the Senate of the United States; an institution for the blind was established at Jackson; and the Chickasaw school lands were leased for ninety-nine years.

2. In the administration of Governor Quitman (1850-1852) the people of Mississippi were greatly agitated over the slavery question; at a State convention held at Jackson, in 1849, they recommended the calling of a convention of the Southern States, which met in Nashville in the following June and passed important resolutions regarding the rights of the Southern people. Upon the arrest of Governor Quitman on a charge of having given aid to Lopez in his expedition against Cuba, he resigned his position as governor.

3. Governor Quitman's successor was John I. Guion, who served as governor of the State until the expiration of his term as president of the senate in November. Three weeks later James Whitfield was elected president of the senate, and served as governor until the following January.

4. The Whigs, and a large number of Democrats who favored the Compromise Measures, formed the Union party and nominated Senator Foote for governor. Upon the withdrawal of Governor Quitman, the first Democratic nominee, his party nominated Senator Davis, who greatly reduced the majority of the Union party.

5. A state convention met at Jackson in 1851 and, being composed mostly of Union men, expressed unalterable attachment to the Union.

6. In the administration of Governor Foote (1852-1854) the Mississippi and Tennessee Railroad was incorporated; Colonel McClung delivered his eulogy on Henry Clay; Louis Kossuth visited the capital of the State; the State Lunatic Asylum was located near Jackson; the High Court of Errors and Appeals decided that the State should pay the debt made in order to get money to buy Union Bank bonds; the people repudiated the Planters' Bank bonds; Jefferson Davis entered the President's cabinet;

and the representatives from Mississippi in the lower House of Congress were increased from four to five.

7. In Governor McRae's administration (1854-1858) an institution for deaf-mutes was established at Jackson; the code of 1857 was adopted; the people were greatly agitated over national politics; and Jacob Thompson entered the President's cabinet.

8. In Governor McWillie's administration (1858-1860) the citizens of the State were very much excited over the Kansas struggle and over John Brown's Raid, and Robert J. Walker was made governor of the Territory of Kansas.

CHAPTER XXVIII

WITHDRAWAL FROM THE UNION (1861)

278. Administration of Governor Pettus.—In 1859 John J. Pettus of Kemper county, the nominee of the Democratic party, was elected governor of Mississippi. Before this time he had taken a prominent part in State politics, having served his county in each branch of the legislature. He was inaugurated governor of the State in 1860. At that time public interest was centered on the problem of how the State could continue in the Union and be made secure in the enjoyment of her rights. In their perplexity the people anxiously awaited the actions of the national parties, hoping that in some way a peaceable and satisfactory solution of the problem would be reached.

279. Presidential Campaign of 1860.—The Democratic party met in national convention at Charleston, South Carolina, April 23, 1860. The proceedings were stormy, and resulted in the division of the party through the refusal of the Northern delegates to agree to the demands of those from the South. The Southern delegates offered resolutions to the effect that neither Congress nor the legislatures of the Territories had a right to prohibit slavery in the Territories. These resolutions were rejected, and the con-

vention adopted a platform embodying the views of Stephen A. Douglas, that the settlement of the slavery question should be left to the people of the Territories. By this action the Northern delegates intended to shift from their own party the responsibility of settling this grave question. Several Southern delegates, including those from Mississippi, protested against this action, and withdrew. The convention, having failed to make a nomination, met again in Baltimore and nominated Stephen A. Douglas of Illinois for the presidency. The seceding delegates at once organized a convention in Charleston and adopted a platform, which declared a purpose to carry slavery into the Territories at any cost. They afterwards met, first in Richmond, and then in Baltimore, finally nominating John C. Breckinridge of Kentucky for President. The old Know-Nothing party, now calling itself the Constitutional Union party, met in Baltimore and, after adopting a platform that declared for the constitution and the Union, but evaded the slavery question, nominated John Bell of Tennessee for President. The Republican national convention met in Chicago and adopted a platform, which expressed among other things its purpose to keep slavery out of the Territories, regardless of the consequences. It disclaimed any intention of interfering with slavery in any of the States where it then existed. It nominated Abraham Lincoln of Illinois for President.

280. Results of the Election.—The campaign which followed was unusually bitter. As a result of the division of the Democratic party, Abraham Lincoln, the Republican candidate, was elected, but failed to receive a majority of the votes cast. As has been said, "the South had avowedly staked everything, even her allegiance to the Union, upon this election. The triumph of Mr. Lincoln was, in her eyes, nothing less than the establishment in power of a

party bent upon the destruction of slavery and the defeat of Southern interests, even to the point of countenancing and assisting slave insurrection.”*

281. Secession.—Immediately after the election of Lincoln the legislature of South Carolina, which was then in session, made provision for the purchase of arms, and called a convention of delegates to consider the question of secession. About the same time Governor Pettus called an extra session of the legislature of Mississippi to meet in Jackson on November 26, 1860. In accordance with the advice of the representatives of Mississippi in both houses of Congress, who met at Jackson four days before the legislature assembled, the governor inserted in his message to the legislature a recommendation that it call a convention for the purpose of seceding from the Union without awaiting the action of other States.†

In response to a spirited message from the governor the legislature called a convention to meet at Jackson January 7, 1861, and adopted a resolution declaring “that secession by the aggrieved States, for their grievances, is the remedy.” Governor Pettus was authorized to appoint commissioners to visit the other Southern States to inform them of the action of Mississippi, and to secure their aid in the establishment of an independent nation. After providing for the preparation of a device for a new coat of arms for the State and adopting a joint resolution justifying its action, the special session of the legislature adjourned.

Some of the ablest men of the State were appointed commissioners to the different States, and they discharged their

*Wilson's *Division and Reunion*, p. 208.

†See Reuben Davis' *Recollections of Mississippi and Mississippians*, pp. 390-398; Mayes' *Lucius Q. C. Lamar: His Life, Times and Speeches*, p. 87.

duties with great ability, being received as ambassadors from a sovereign and independent nation, and as such treated with great distinction.*

282. The Secession Convention.—This historic body met in the hall of the House of Representatives of the State on the 7th of January, 1861, and organized by electing William S. Barry of Lowndes county president. It was composed of two classes of delegates—the “unconditional secessionists,” who were determined on secession at any cost, and the “coöperationists,” who were in favor of secession “only upon condition that the border States between the two sections would coöperate in the movement.” The latter class constituted only about one-third of the convention. On January 9th Mr. Lamar reported for a committee of fifteen, that had been appointed in accordance with a resolution offered by him two days before, “an ordinance to dissolve the union between the State of Mississippi and other States united with her under the compact entitled ‘The Constitution of the United States of America.’”

On the afternoon of the same day the question of the final passage of the ordinance was voted on. A large throng of spectators had assembled to view the solemn proceedings. The yeas and nays having been ordered, the secretary called the roll slowly, the first name being James L. Alcorn. As he had been an ardent “coöperationist,”

*The commissioners were as follows: Thomas J. Wharton to Tennessee, Charles E. Hooker to South Carolina, Jacob Thompson to North Carolina, Wirt Adams to Louisiana, A. H. Handy to Maryland, George R. Fall to Arkansas, W. S. Featherston to Kentucky, W. L. Harris to Georgia, Fulton Anderson to Virginia, Joseph W. Matthews to Alabama, H. H. Miller to Texas, Daniel Russell to Missouri, Henry Dickinson to Delaware, and E. M. Yerger to Florida.

all who were present awaited his vote with much interest. He arose and responded with much feeling: "Mr. President, the die is cast, the Rubicon is crossed; I follow the army that goes to Rome; I vote for the ordinance." When the roll call had proceeded until it had become manifest that the ordinance would be adopted, tears came into the eyes of the spectators and the delegates. The president then announced that of the ninety-nine votes cast eighty-four were for the ordinance and fifteen against it. Then came profound silence, which was finally broken by the earnest tones of the Rev. Whitfield Harrington, who in eloquent words invoked the Divine blessings on the step just taken, while the delegates and spectators, standing with bowed heads, joined in the invocation.

283. "The Bonnie Blue Flag."—We are told by a gentleman who was present at that time, that immediately after



the conclusion of the prayer, "Mr. C. R. Dickson entered the hall, bearing a beautiful silk flag with a single white star in the center (made that morning by Mrs. H. H. Smythe), which he handed to President Barry, who, after a brief pause, waved it, and with a tear in his eye and a tremor in his voice, re-

marked that it was the first flag unfurled in the young republic. The members saluted it by rising, the vast audience present uniting in shouts of applause. Illuminations and artillery salutes in Jackson and elsewhere throughout the State expressed the popular approval of this drama in the history of the State."*

*Power's (Col. J. L.) *Mississippi Secession Convention*, published in the *Southern Home Journal* for April and May, 1899.

Upon leaving the hall Harry McCarthy, a comic actor who had witnessed the scene, wrote that popular war-song, "The Bonnie Blue Flag, that Bears a Single Star." The next day it was printed by Colonel J. L. Power, and that night it was sung in the old theatre in Jackson by its author.

284. Signing of the Ordinance.—On the 15th of January the ordinance was signed in the presence of the governor and the members of the legislature by ninety-eight delegates, including the president of the convention. Although Dr. J. J. Thornton of Rankin county refused to sign it, he became its gallant defender, being one of the first volunteers to enter the Confederate army.

285. Other Acts of the Convention.—The convention also adopted "an address setting forth the Declaration of the Immediate Causes which Induce and Justify the Secession of Mississippi from the Federal Union."

It also endeavored to place the State on a war footing, and elected Colonel Jefferson Davis major-general, and Earl Van Dorn, Charles Clark, J. L. Alcorn, and C. H. Mott brigadier-generals of the State forces.

It then chose W. P. Harris, A. M. Clayton, W. S. Barry, James T. Harrison, and J. A. P. Campbell delegates to a convention of the seceding States to be held in Montgomery, Alabama, for the purpose of framing a constitution for the new Confederacy. After a session of seventeen days the Mississippi convention adjourned, subject to the call of the president. It reassembled on the 25th day of March, 1861, and ratified the "Constitution of the Confederate States" by a vote of 78 to 7.

286. State Constitution.—The constitution of 1832 was retained by the State during her connection with the Confederacy. The words, "Confederate States," were substituted for the expression, "United States," wherever the latter occurred in that document.

Summary

1. At the beginning of the administration of Governor Pettus (1860-1862) public interest was centered on the problem of how the State could remain in the Union and be made secure in the enjoyment of her rights.

2. At the national convention of the Democratic party held in 1860, it was divided into two parts over the slavery question, the Southern delegates, who asserted that neither Congress nor the legislatures of the Territories had the right to prohibit slavery in the Territories, and the northern delegates, who wished to leave the settlement of the question to the people of the Territories.

3. As the result of a division in the Democratic party the Republican candidate was elected, though he did not have a majority of the votes cast.

4. At a special session of the legislature held in 1860 a State convention was called, at the suggestion of the governor, to meet in Jackson in the following January for the purpose of discussing the question of secession.

5. This convention met at the appointed time and passed an ordinance, January 9, 1861, to dissolve the union between the State of Mississippi and the other States, by a vote of eighty-four to fifteen. This ordinance was signed by ninety-eight delegates, January 15th.

6. The first flag of the young republic was unfurled in this convention and the famous war song, "The Bonnie Blue Flag," was composed and sung in Jackson by its author, Harry McCarthy.

7. The convention adopted an address setting forth the causes which justified secession, took steps to place the State on a war footing, and chose delegates to a convention of the Southern States to be held in Montgomery, Alabama.

8. The Constitution of the Confederate States of America, which had been adopted at Montgomery, Alabama, was promptly ratified at the capital of Mississippi (March 25, 1861).

CHAPTER XXIX

SOCIAL AND MORAL CONDITIONS (1832-1860)

287. Social Classes Among the White People.—In this period the contrast between wealth and poverty became more marked than in former years. The industrial system of the times developed a class of wealthy planters, who became sharply distinguished from the lower class of poor white laborers. There were comparatively few of the great middle class of small farmers, who may now be seen everywhere.*

288. Traits of Character.—There were certain clearly defined traits of character which the Mississippians possessed in common with other people of the South. They held their women in high esteem and showed them a respect that was genuine. They had no patience with the idea of bringing woman into public life, but believed that her proper place was the home. They were generous to a fault and seldom turned a traveler away from their doors. Unfortunately the men had an exaggerated sense of personal pride and courage, which could be offended only at the risk of a duel or a fisticuff.

289. Plantation Life.—The wealth of the planters of the State consisted principally of land and slaves. Each large

* The following table will show the number of slave-owners in Mississippi according to the number owned, 1850-1860:

1 Slave.	Under 5.	Under 10.	Under 20.	Under 50.	Under 100.	Under 200.	More than 200.	Aggre- gate.
8,640	6,228	5,148	4,015	2,964	910	189	27	28,116

Robert and Hardin Hairston of this State are said to have owned 1,000 and 600 slaves each respectively.

plantation had an overseer, who had the management of its affairs, directing the labor and caring for the personal comfort of the slaves. His home was built near the "quarters"—the homes of the negroes. The "White Folks' House," a term applied by the slaves to the large, stately mansion of the planter, stood at a distance from the "quarters." Here the planter lived in princely style, with a large number of trained household servants, who assumed a dignity in keeping with their station and derived much pleasure in attending to every want of their master's family. The hospitality of the mansion was unexcelled. Its women were queenly and its men "royal in all phases of life." Although these conditions created a sentiment against manual labor, they fostered a peculiar pride in out-door amusements as well as in artistic and literary accomplishments.

On a typical Mississippi plantation twenty-four houses furnished the quarters for one hundred and fifty negroes. These buildings were constructed of hewn logs, and had close plank floors, two feet above the ground, and good chimneys. They were placed fifty feet apart and arranged in a double row with an avenue two hundred feet wide between. The house of the overseer, the workshop, tool-house, and wagon sheds stood at one end of the avenue, and the cistern, grist and sawmill, at the other. Near the overseer's house hung the plantation bell, which in turn aroused the slaves from their slumbers, summoned them to their daily labors, and recalled them from the field. Their "rations" were given to them every week, and consisted of bread, meat, rice, and molasses from the "smoke-house," with vegetables and milk. On the plantation described above "two hours at midday were devoted to eating and rest. Each head of a family had his henhouse and truck-patch; he was not permitted to sell what he

raised, as on many plantations, but was given five dollars at Christmas and sent to town in charge of an overseer or a driver to enjoy himself.”*

After supper the negroes at the “quarters” made the plantation ring with their melodies. The twanging banjo and the squeaking fiddle were favorite musical instruments with these simple minded, music-loving people, who, whenever permitted to do so, “fiddled” and danced and sang until late in the night.†

The religious instinct of the plantation negroes asserted itself most freely in the church near the “quarters,” where they generally conducted their own worship, unrestrained by the formalities of the white man. Most plantations had at least one colored “parson,” who was assisted by several “exhorters” that were self-commissioned to look after the spiritual welfare of the slave community. The negroes were also carefully taught scriptural truths either by the family of their master or by missionaries employed for that purpose.

The “Black Mammy” was revered by both white and colored. She was the nurse of the little children, and often the confidential adviser of the older members of the family. Colonel Claiborne has said that “the relation between the owner and the slaves, particularly when they had been inherited, was strictly patriarchal. ‘Old Massa’ was not a tyrant, but the head of the family, of which they all considered themselves members. ‘Old Missus’ was the head nurse and waiting woman of the plantation, seeing

*Ingle’s *Southern Sidelights*, pp. 269-270.

†A pleasing reproduction of the social life of the slaves of Mississippi will be found in the poems of Irwin Russell. The writings of Mrs. Stuart of Louisiana will be helpful in this connection. See also Rowland’s *Plantation Life Before the War*, in the *Publications of the Mississippi Historical Society*, Vol. III.

to the sick and the children and distributing clothing and comforts all around. 'Young Missus' spruced up the colored 'gals,' taught them the fashions, and 'Young Marster' stood between the slaves and the overseer, got them out of trouble, and took the boys with him to hunt and fish. The planter and his family slept, amidst a hun-



SUNDAY AFTERNOON ON A SOUTHERN PLANTATION

dred slaves, in perfect tranquility, without locking a door. A slave might occasionally grab a fowl or a pig, but the lives and the treasures of the master and his family were sacred.”*

290. Slave Laws.—By an act of the legislature (1833) slaves charged with capital offences were tried by the same laws as free white persons. One-half the value of slaves executed for crimes was paid to their owners by the State. Masters were responsible for all things stolen by their

*Claiborne's *Mississippi*, p. 145.

slaves. The freeing of slaves by last will was positively prohibited. Under the same code, all persons, except the attorneys, who rendered aid to a slave in an unsuccessful suit for his freedom were fined one hundred dollars for each slave so assisted, unless the judge should certify that there was probable ground for a suit. No member of an abolition society was a competent juror in the trial of a slave for his freedom. It was made a felony to advise or persuade a slave to run away. No slave or free negro was allowed to serve as a peddler, and no slave was permitted to preach, except on his master's premises. The testimony of negroes and mulattoes, bond or free, was admitted in court "in civil cases when free negroes or mulattoes alone shall be parties, and in no other cases." If any negro or mulatto gave false testimony in the trial of a case that did not involve the death penalty, he was punished with thirty-nine lashes, which might be repeated any number of days not exceeding five. A slave was never put on trial for his life without having, at his master's expense, the benefit of counsel to defend him. Besides these laws, most of those which were in force under the first constitution were continued throughout this period.

291. Slave Trade.—The constitution of 1833 provided that "the introduction of slaves into this State as merchandise or for sale, shall be prohibited from and after the 1st of May, 1833." The Court of Appeals of the State decided that this clause of the constitution was sufficient to prohibit the bringing in of slaves as merchandise without legislative action. The Supreme Court of the United States asserted, however, that no prohibition was created by the constitution, and that legislative action was necessary to make it binding. The legislature therefore passed an act in 1837 which removed all doubts on the subject by prohibiting the slave trade with other States. This law

was repealed in 1846, and the slave trade with other States was again opened.

292. Slavery Agitations.—In 1835 the State was greatly excited over the fear of a slave insurrection. The plot was soon discovered, and by prompt action the trouble was confined to only one or two neighborhoods. About ten or fifteen negroes were implicated. These, together with a few lawless white men who had originated the plot, were hanged.

Ten years later an abolitionist book, entitled "Pictures of Slavery," was found in the negro quarters of a plantation in Wilkinson county. In this book were numerous engravings illustrating the different modes of punishment which the people of the South were accused of inflicting upon their slaves. Similar evidences of the activity of those opposed to slavery excited from time to time the indignation of the people of Mississippi. In Governor Quitman's message to the legislature in 1836, he stated that people of the free States had tried to drive slavery from the South by inciting the slaves to rebellion and involving this section of the country in a slave war.

293. Colonization Society.—As early as 1816 the African Colonization Society was organized in the United States to encourage the freeing of slaves by helping free negroes to form colonies in Africa. It was joined by both the friends and opponents of slavery, and had a large membership throughout the country. Madison and Clay were among its presidents. It was encouraged in Mississippi, because it furnished a means for removing the free negroes from the State. The society failed to accomplish the purpose for which it was organized, since it did not have the money to pay for carrying enough negroes from the country to produce any important results.*

*By the report of this society made in 1852, it seems that in thirty-two years only 7,592 persons of color were sent back to

294. Whipping and Branding.—As early as 1832 public sentiment in Mississippi began to assert itself against many of the cruel forms of punishment that had been for some time common throughout the country. The following quotation from a newspaper of that year indicates the growth of this sentiment:

‘Will the pillory still disgrace a civilized age? Will the branding iron still be exhibited in the courts of justice to the dishonor of humanity, giving to the villain letters in *hand* and *body*, which will carry his hatred to all the human race? Will the thirty-nine lashes still be prescribed by our bloody penal code?’*

295. Establishment of a Penitentiary.—In order to lessen the severity of the punishment inflicted upon criminals, many of the most humane men of the State had insisted for years upon the establishment of a penitentiary. The necessity of establishing such an institution was greatly increased by the fact that many criminals were turned loose upon society because of the severity of the punishments prescribed by the laws of the State. The difficulties of conviction increased in proportion to the growth of sentiment that the penalties inflicted were too severe. A penitentiary was finally established (1836) in response to a demand for more humane modes of punishment.

296. Temperance.—The progress of moral sentiment in the State is indicated by the following attack made by the same paper on one of the greatest evils of the times:

“We hope that no man will appear in our legislature under our new constitution, who has won his way hither, in ever so small a degree, by that indirect bribery so com-

Africa. This was not one-eighth of the number born in a single year. Of this number only 505 were from Mississippi. (*De Bow's Commercial Review*, Vol. XXI., p. 270.)

**Southern Planter*, June 2, 1832.

mon among us, but seriously considered the worst of all possible bribery, *treating by ardent spirits.*"

By the year 1849 several temperance societies were in a flourishing condition in different parts of the State, and a large number of people had signed a temperance pledge. The *Mississippi Free Trader* of January 17, 1849, says: "The time is coming when the act of drunkenness will place a blot on the character of its victim." In 1837 the *Cold Water Man*, the temperance organ of the State, was started at Natchez.

297. Suppression of Gambling.—At a public meeting held at Natchez in July, 1835, a society, with John A. Quitman as president, was formed to suppress gambling and other vices. In the report of a committee of this society made a few months later, gambling was called the "greatest of all curses to civil society." Shortly afterwards the people of Natchez drove the gamblers from that city. A few months before an anti-gambling society had been formed at Vicksburg. At that place the gamblers resisted arrest and killed a highly respected citizen. Several of them were then hanged, and the rest fled in different directions. Some of them went to Clinton, but were soon driven from that town. Many of them went to Columbus, where they again resisted arrest; but, being met by a band of law-abiding citizens, they again fled, and most of them left the State.

298. Dueling.—By an act of the legislature passed in 1837, an effort was made to suppress the practice of dueling, which was one of the greatest evils of the period. It declared that all persons who challenged others to fight a duel, or who carried a challenge knowingly, or acted as surgeon or second at a duel, should pay a heavy fine, and should be prohibited from holding any office of honor or profit under the laws of the State. It also required the sur-

vivor to pay all the debts of the person whom he had killed in a duel.

299. Lotteries.—In this period public sentiment began to assert itself in opposition to the system of lotteries that had been in vogue for a long time. A newspaper published in the State in 1846 stated that this was “the worst of all gambling,” and called attention to the fact that “the lottery makes about fifty per cent upon all the tickets sold.”

Summary

1. The industrial system of this period (1832-1860) developed a class of wealthy planters quite distinct from the poor white laborers.

2. The slaves on the plantations generally had comfortable “quarters.” Efforts were made to supply their physical and spiritual needs and to give them reasonable enjoyments.

3. New laws were made to counteract the efforts of abolitionists.

4. The citizens of the State opposed the introduction of slaves from other States until 1846, when a law prohibiting the slave trade with other States was repealed.

5. The citizens of Mississippi, in common with those of the other Southern States, encouraged the Colonization Society, hoping thereby to get rid of the free negroes in the State.

6. The progress of humane and moral sentiment developed opposition to whipping and branding as legal modes of punishment, led to the establishment of a penitentiary, and to the organization of temperance and anti-gambling societies. Dueling and lotteries were opposed.

CHAPTER XXX

ECONOMIC HISTORY (1832-1860)

300. Economic Developments.—The spirit of speculation that controlled the people of the State during the first five years under the second constitution brought on financial ruin, which in turn gave way to a period of slow and painful recovery, based on sounder business principles.

301. Banking (1832-1860).*—The Planters' Bank, which had been established in 1830 (§207), was for many years well conducted. In 1837 the auditor of public accounts recommended that the State increase its stock in this bank, stating that it declared annual dividends of ten per cent, and that its stocks sold for a higher price than any other stock in the United States. At that time this bank had seven branches located at as many important business points in the State. The Whigs of the State had never become reconciled to this institution, however, as it had been recommended by a Democratic governor and established by a Democratic legislature in order to prevent the introduction into the State of a branch of the Bank of the United States, which the Whig party favored. Many Democrats also opposed this system on the ground that it created a public monopoly, and that it did not furnish sufficient banking facilities to supply the demands of the State. In his annual message of 1835, Governor Runnels recommended the "establishment of a bank on the principle of the Union or Citizens' Bank of Louisiana, the stock of which was to be taken by planters on the mortgage of their lands." This led to the formation of the celebrated Union Bank of Mississippi, which has been already mentioned because of its influence upon the political history of the State.

Banking privileges were also bestowed upon various other corporations organized for purposes of internal improvement. Between 1832 and 1837 the banks of the State had increased from four to twenty-four. Then followed the period of bankruptcy and repudiation, which paralyzed the banking interests of the State. The banks at Manchester

*For a fuller treatment of this subject see Brough's *History of Banking in Mississippi in the Publications of the Mississippi Historical Society*, Vol. III.

{Yazoo City) and at Holly Springs stemmed the tide of adversity, however, and continued operations until 1857, being the last representatives of the old banking system of the State.

302. The "Flush Times."—To supply the need for currency, the banking institutions of Mississippi were granted authority to issue paper money.* "Change notes" and "shinplasters" then multiplied as if by magic. They were issued "by the sheet," and soon became the only cheap thing on the market. This sudden increase of the currency was followed by wild schemes of speculation. Men no longer thought of accumulating wealth by economy and industry, but conceived "the new plan of making fortunes on the profits of what they owed." Credit was unlimited, and to refuse it was to give an offence that had to be atoned for on the field of honor. Fortunes were thought to be in easy reach of every enterprising man. Ambitious overseers on plantations suddenly rose to the dignity of merchant princes; unscrupulous horse-doctors became physicians and surgeons, and superannuated justices and constables from the older States, catching the infection, hung out their shingles as "attorneys and counsellors at law," all playing with skill their parts in the great comedy of the times. Prices rose like smoke. Lots in small villages were held at city prices; lands formerly bought at almost nothing were sold at from thirty to forty dollars per acre, and considered dirt cheap at that. Cotton, which had sold for eleven and one-half cents in 1833, brought twenty cents two years later. People flocked into the State from all parts of the Union. Paper fortunes were made rapidly. Houses and lands changed hands, and "real estate see-sawed up

*The following account is based on Baldwin's "*Flush Times of Alabama and Mississippi*," a book which should be read in this connection.

as morals went down on the other end of the plank." Money gained by speculation was spent with a free hand. Debt was no longer dreaded, since it served as a sure indication that the debtor had fully imbibed the spirit of the times, and was in every way worthy of the progressive age in which he lived.

303. Financial Panic.—The crash soon came, however, and men "broke by neighborhoods." They usually endorsed for each other, and when one fell, all fell; each got broke as security, and yet few or none were able to pay their own debts. Men thought to be worth a million owed two millions. "Promising young cities marched back into the wilderness; the ambitious town plat was reannexed to the plantation," and "the only question was as to the means of escape, and the nearest and best route to Texas." Thus ended the farce of speculation and inflation, which was quickly followed by the high tragedy of bankruptcy and repudiation.

304. Agriculture.—In this period the agricultural products of the State became less diversified than in former years. Interest was centered upon the cultivation of cotton, which was the crop best suited to slave labor. Between 1850 and 1860 the wheat and oat crops of the State showed a marked decrease. Agricultural societies were then formed largely for the purpose of diversifying the crops. They seem to have accomplished little, however, since Mississippi in the next ten years raised more than one-fifth of all the cotton grown in the United States. Notwithstanding the fact that as early as 1840 the slaves outnumbered the white population of the State, there continued to be a demand for more slaves. The citizens of the State had the idea that successful agriculture depended more upon the number of acres cultivated than upon skilful culture. In the language of a Southern writer of that period, they

were "making more cotton to buy more negroes to make more cotton to buy more negroes." The planters thought that cotton must be raised, and that if there was not sufficient labor to produce a diversity of crops, other products should be neglected. In 1853 a Mississippian wrote: "Let the cotton-planters for three years dare to make their own corn, pork, beef, mutton, wool, and they will see cotton at a certain price of twelve cents, and see good corn-houses, full barns, fine pastures, thrift, and all else indicative of prosperity." But this advice had no effect; King Cotton had become a tyrant.

305. Foreign Commerce.—For some time before the beginning of this period the planters and the business men of the western part of Mississippi had been complaining that a large part of the exports from the State had to be sent to New Orleans for shipment to Eastern and European markets. They argued that the numerous charges imposed at New Orleans on these exports were entirely too high, and placed the agricultural and business interests of Mississippi at the mercy of that city. At an early date the rapidly growing jealousy between Natchez and New Orleans asserted itself in a scheme for building a railroad from the former city to Jackson and thence to the Atlantic seacoast. A rival scheme for building a railroad from New Orleans along the western bank of Pearl River to Jackson and thence to Nashville was enthusiastically supported by the citizens of New Orleans and of that part of Mississippi through which the road was to be constructed. Both of these companies received charters from the legislature of Mississippi, but the Natchez company lacked the capital to compete with its rival.*

Natchez was more successful in her efforts to establish

*See Claiborne's *Life and Correspondence of John A. Quitman*, Vol. I., pp. 136-138; 169-185.

herself as a port for foreign vessels, and by this means to open direct communication with Europe. In October, 1833, the citizens of Natchez were delighted at the arrival at their city of a vessel direct from Liverpool just as a ship laden with Mississippi cotton was leaving for England.

A few years later (1838) the merchants and planters of Mississippi constructed a vessel, "The Natchez," for the purpose of establishing direct communication between New York and Natchez. Governor McNutt, in his inaugural address in January, 1838, called attention to the fact that the annual exports of Mississippi were then one-sixth of those of the whole Union.

306. Cotton Factories.—In 1840 there were in Mississippi fifty-three cotton factories, all of which were valued at \$6,420, and employed only eighty-one men. About this time the citizens of the State began to direct their attention to the building of more cotton factories. This development was greatly encouraged as a means for diversifying the pursuits of labor and remedying the evil of overproduction, which had reduced the price of cotton. The issues of the *Mississippi Free Trader* for 1848 and 1849 mentioned the fact that this subject was being agitated in Choctaw, Marshall, Adams, Hinds, Copiah, and Attala counties. In 1850 a cotton mill propelled by steam was in operation at Woodville. These developments were arrested by the War between the States.*

307. Railroads.—In the period between 1831 and 1841 little was done in the way of building railroads except on paper. Although twenty-two railroad companies had been organized in this decade, the railway facilities of the State were summed up in 1849 in the following sentence: "For several years we have had a railroad from Vicksburg to

* For a detailed statement of the occupations of Mississippians in 1840 see Goodspeed's *Memoirs of Mississippi*, Vol. II., pp. 104-105.

Jackson.”* It is interesting to note that the fare on this road was at that time six cents a mile. In 1857 work was being done on five roads within the State, and in the year following almost twenty millions of dollars had been invested in these enterprises. In 1860 the railroad mileage of the State was estimated at 860.

308. Levees.—At an early date the planters on the Mississippi built and kept up at their own expense small embankments, which at that time were called levees. As the land along the river front was not all occupied, these efforts to protect the farms against overflows were not satisfactory, and as the country was occupied for several miles in the interior, the planters along the river began to feel the injustice of being forced to keep up levees which protected these lands as well as their own. County boards were then organized for wisely expending the funds raised for this purpose by county taxation. In December, 1858, the legislature passed an act organizing a levee board and authorizing a State tax for the building of levees.

Summary

1. As the Planters' Bank of Mississippi did not meet the demands of the people, the Union Bank, railroad companies, and other corporations were chartered with banking privileges.

2. The inflation of the currency and the wild schemes of speculation known as the "Flush Times" left the State in bankruptcy.

3. During this period the agricultural interests of Mississippi were centered on the cultivation of cotton.

4. The jealousy between Natchez and New Orleans led to rival schemes for the building of railroads. Natchez was successful in establishing itself as a port of entry for foreign vessels.

5. In this period attention was directed to the building of cotton factories, and there was a revival of interest in the building of railroads.

6. In 1858 the legislature passed an act organizing a levee board and authorizing a State tax for the building of levees.

Goodspeed's Memoirs of Mississippi, p. 78.

CHAPTER XXXI

RELIGIOUS, EDUCATIONAL, AND LITERARY PROGRESS
(1832-1860)

309. Religious Development.*—This period was one of church expansion. Two new denominations—the Cumberland Presbyterian and the Christian—began to organize churches in the State in 1832 and 1836 respectively. These, with the older denominations, increased their efforts to spread their beliefs throughout the State and to counteract the bad effects of the times upon the spiritual natures of the people. Through the efforts of Bishops James H. Otey (1834-1838 and 1841-1850), Leonidas Polk (1838-1841), and William Mercer Green (1850-1857) and a number of local ministers, the Episcopal church made substantial progress in the State. Churches of this faith were established at Jackson (1838), Vicksburg (1839), Columbus, Raymond, Grenada (about 1840), and at Holly Springs (about 1842). In 1835 the Presbyterian churches in Mississippi and Louisiana were formed into the Synod of Mississippi. Under this arrangement, from 1835 to 1861 this church continued to prosper. Its ministry and eldership included in them men of marked ability. The Methodist church developed so rapidly from 1832 to 1861 that at the outbreak of the War between the States there were several churches of this faith in every county in the State. In 1846 the Rev. Robert Paine was made a bishop, being the first of the only two Methodist bishops that have been chosen from this State. The Rev. C. K. Marshall, one of the most eloquent men in the history of Methodism in Mis-

*A fuller account of the religious history of Mississippi will be found in Goodspeed's *Memoirs of Mississippi*, Vol. II., Chapter XII.

Mississippi, was a great factor in the development of the church at this time. As early as 1837 the *Christian Herald* was published at Natchez under the auspices of the Methodist church. In 1855 the Mississippi Conference established a book and tract society at Vicksburg. In 1836 the Baptist church of the State organized the Mississippi Baptist State Convention, which has had a continuous existence to the present time. It also organized home and foreign mission boards. The year following (1837) the *Southern Luminary* was established at Natchez in the interest of this church. This paper was unsuccessful, however, and in 1846 the *Mississippi Baptist* was established, which, after many changes in the editorial management and in the place of publishing, was beginning to receive the support of the church throughout the State when the outbreak of the War between the States led to its suspension. The Catholic church, having entered upon a period of increased activity, had several missionaries in the State whose work was likewise interrupted by the outbreak of hostilities in 1861.

310. Denominational Schools.—Oakland College, which had been founded by the Presbytery of Mississippi in 1830, was in a flourishing condition throughout this period. At its first commencement, in 1833, James Smiley was granted a diploma, being the first son of Mississippi to receive a degree from an institution in this State. The Cumberland Presbyterian church established in Lafayette county the Mount Sylvan Academy in 1845 or 1846, and the Union Female College in 1854. Besides the Elizabeth Female Academy, which closed its useful career about 1844, it is asserted that the Mississippi Conference of the Methodist church had control of eight institutions of higher education in 1858. Among these were Centenary College, first located at Brandon (1839), and later (1846) removed to Jackson, Louisiana; Sharon Female Academy in Madison

county, and Port Gibson Collegiate Academy. In 1859 the Whitworth Female Academy was founded at Brookhaven. It afterwards (1884) passed into the possession of the Mississippi Conference. In this period nine Baptist female colleges were opened in different parts of the State. Two of these—the Central Female Institute (now Hillman College), established at Clinton in 1853, and the Yalobusha Baptist Female Institute (now the Grenada Female Col-



MISSISSIPPI COLLEGE (MAIN BUILDING)

lege), established at Grenada in 1851—have had a continuous history to the present time, though the latter has become the property of the Methodist church. In 1842 Mississippi College passed into the possession of the Presbyterian church, and thus became a denominational institution for the first time in its history. Eight years later it was transferred to the Baptist church, and has since been one of the greatest factors in the development of this church in the State. St. Thomas Hall, located at Holly Springs, began in 1844 its long and highly useful career under the auspices of the Episcopal church. Eleven years

later (1855) a commercial college was established under Catholic control at Bay St. Louis.

311. Common Schools.—In 1843 A. G. Brown, who was then a candidate for governor, issued an address to the people of Mississippi urging “the establishing of schools in which every poor white child in the country may secure, free of charge, the advantages of a liberal education.” In his inaugural address, delivered in January of the year following, Governor Brown made an eloquent plea for a system of common schools, but the legislature failed to act upon this important subject. After the adjournment of the legislature Governor Brown invited Judge James S. B. Thacher, of the High Court of Errors and Appeals, to devise a scheme of public education for the State. In the autumn of 1845 the Judge addressed an open letter to the governor, which was published by several of the newspapers of the State. In June of the same year the Democratic party of Wilkinson county adopted resolutions in favor of the establishment of a public school system, and instructed its delegates to the State Convention to press the subject before that body. A clause in favor of such a system was accordingly inserted in the Democratic platform of that year, which was the first party platform in this State to advocate this measure. Governor Brown was reëlected, and in 1846 made another appeal in behalf of public education. In March of the same year the legislature passed the first statute in Mississippi for a uniform and general system of common schools. The bill provided for the levying of a special tax for public school purposes in those townships in which a majority of the heads of families were favorable thereto. The news that the legislature had passed a common school law was at first the cause of much rejoicing in the State. This joy was soon turned to sorrow, when it became apparent that the necessary consent of the majority

of the heads of families in the various townships was withheld.

In his last message to the legislature, January 3, 1848, Governor Brown stated that the common school law had not fulfilled the expectation of its friends. He therefore recommended that it be immediately repealed, and that "an act more in accordance with the suggestions" contained in his message of two years before be substituted. But instead of following this recommendation the legislature passed four other acts, which provided for as many different schemes of educational management in thirty-five counties of the State, and left the rest of the counties under the application of the old law. Each succeeding legislature increased the number of special acts, thus rendering the public school system more complicated and less effective year by year. This development reached a climax in the legislature of 1859-1860, which passed no less than twenty-six different acts of this nature. "Under such management," says Mayes, "the schools drifted along to the period of the War between the States, doing some good, more in some localities than in others, of course, but in all crippled, in many paralyzed, by the want of a uniform and vigorous policy."*

312. Private Schools and Academies.—The custom of employing private tutors or governesses was made necessary in this period because of the lack of school facilities. Although this necessity was removed by the development of the country and the increase of population, the custom was still rigidly adhered to by many of the wealthy and conservative planters of the State. The less wealthy citizens frequently united in the employment of teachers for neighborhood schools. Private academies too numerous to men-

*For a very satisfactory treatment of this subject see Mayes' *History of Education in Mississippi*, Chapter XV.

tion then sprang up in every part of the State, and had a great influence for good upon its history. The educational revival in Mississippi in the latter part of this period greatly reduced the percentage of illiteracy between 1850 and 1860.

313. City Schools.—In this period good systems of graded schools were established in Natchez, Vicksburg, and Jackson, for the free education of the children of those cities. Franklin Academy, at Columbus, continued to prosper.

314. University of Mississippi.—In 1840 the legislature transferred to the University of Mississippi the funds arising from the sale of lands given to the State by the national government for the establishment of a seminary of learning. At the same time the legislature provided for the location of the University near Oxford in Lafayette county. Four years later the institution was incorporated, and its first board of trustees chosen. The citizens of Oxford and Lafayette county purchased and presented a section of land to the University, and arrangements were promptly made for the erection of a building. In July, 1848, the first faculty of four members was elected. and in November the first session opened with about 500 students. For the purpose of enlarging the institution, the legislature in 1856 made a special appropriation of \$100,000, to be paid in five annual instalments. Owing to the outbreak of the War between the States only seven students appeared for matriculation in the autumn of 1861. The exercises were therefore suspended for the next four years.

315. Southern Students in Northern Schools.—The hostile attitude assumed by the North towards slavery in the South caused the people of the latter section to oppose the patronizing of Northern educational institutions. Several of the most prominent citizens of the State contended that it was "not possible for Southerners to be educated safely at the North." "Our sons and daughters," says the Rev.



Lyceum Building



Library Building



Physical Laboratory

Observatory

Chancellors Residence

C. K. Marshall, "return to us from their schools and colleges in the North with their minds poisoned by fanatical teachings and influences against the institution of slavery, with erroneous religious opinions on the subject, and with the idea that it is a sin to hold slaves." This sentiment seems to have been widespread, since there was a gradual reduction in the number of Southern students in Northern institutions for several years before the War between the States.*

316. Southern Text-Books.—With the growth of abolition sentiment in the North, ideas repulsive to the people of the South began to find their way into the text-books of the country.† There arose in the South a demand for Southern text-books. In 1856 the Rev. C. K. Marshall of Vicksburg, who led this movement, addressed a communication to the *New Orleans Picayune*, in which he recommended that the legislatures of the Southern States place "at the disposal of their governors from \$5,000 to \$10,000 to be used in the encouragement of the writing and printing of home text-books." "There are cart-loads of manuscripts and books," says he, "all over this region—designed for schools and colleges—by the first and best pens of our States, from gentlemen and ladies as capable as any in America to write such books, that may never see the light unless a strong public influence shall breathe upon them the life and energy of promise and hope. The legislature of Mississippi will act on this matter, I believe, at its approaching session. It would have done so last winter, I think, but for the sudden and protracted illness of the Hon. William Sharkey, who took a warm interest in

*See De Bow's *Commercial Review*, Vols. XVIII., p. 431; XX., p. 148; XXIII., p. 490.

†De Bow's *Commercial Review*, Vol. XXI., pp. 519-523.

the matter, and was preparing a bill to introduce, when he was taken sick."

In another communication he says, "If we use Abolition text-books at home, we might as well send the pupils to the land where the text-books originate. We can, and we must have our own text-books—the fruits of Southern scholarship. We can, and we must print, publish, and teach our own books; we must not permit our foes to compose our songs and prepare our nursery tales, reserving for ourselves only the privilege of framing husky statutes, and holding commercial conventions."* The outbreak of the War between the States prevented his hopes from being realized.

317. Literature.—There were thirty newspapers published in Mississippi in 1837. One of these was issued daily. Two of them were religious papers and one a temperance paper. After this date newspapers multiplied rapidly. "The Flush Times," with its great schemes, created a demand for more newspapers. It was a period of inflation, and the press caught the infection. A printing press was an essential feature of every prospective town. After this came the stirring political campaigns—State and national—which led to a further increase in the number of newspapers. There were no neutral or independent papers. "The public appetite craved politics—politics only."† The politician of the tripod became a rival of the politician of the stump. The success of an editor depended less upon his skill in gathering the latest news than upon his ability to defend his party or to attack the opposition.

The attacks of the Abolitionists upon the institution of slavery led to numerous efforts in its defence. This led

*See De Bow's *Commercial Review*, Vol. XXII., p. 312.

†See Goodspeed's *Memoirs of Mississippi*, Chapter IX.

to the writing of three books by Mississippians on this subject.*

There were in this period a few poetical works from the pens of Mississippians.† The writers of short stories were more successful in their efforts than were either of the two classes just mentioned. In 1851, *Mississippi Scenes or Sketches of Southern and Western Life*, by Joseph B. Cobb, of Longwood, Mississippi, made its appearance in book form, many of its stories having already appeared in the papers of the State. The work was modeled on the plan of the *Georgia Scenes*, and dedicated to Judge Longstreet, the author of that book. It gives several stories intended to show the devotion of the slaves to their masters. Two years later (1853) Joseph Baldwin's *Flush Times of Alabama and Mississippi* appeared in book form after having appeared serially in the *Southern Literary Messenger*. It has been said that Baldwin and Longstreet, better than any other writers, painted with pen and ink the real life around them—"this Southern life, rich in every element of humor and pathos."‡ Both of these gentlemen spent a part of their lives in Mississippi, and were identified with its history. Judge Longstreet's book was written, however, before he came to this State. Professor Ingraham, who was for several years connected with the St. Thomas Hall School, at Holly Springs, began his literary career in this period. His *Prince of the House of David* was first published in 1856.

*These were Fletcher's *Studies on Slavery*, Estes' (M.) *Defense of Negro Slavery*, and Thornton's (Rev. T. C.) *Inquiry into the History of Slavery*.

† Carpenter's (Marcus) *Memories of the Past* (1850) and *Progress of the Mind* (1851); Josselyn's (Robert) *The Faded Flower, and other Poems*; Cheve's (Mrs. E. W. Foote) *Sketches in Prose and Verse* (1848); Mrs. Catherine A. Warfield of Natchez published several novels and with her sister, Mrs. Lee, two volumes of poems.

‡ Ingle's *Southern Sidelights*, p. 210.

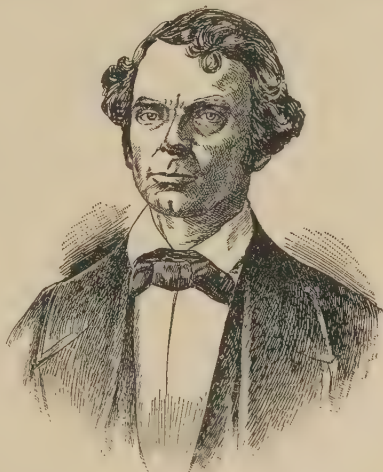
It consists of a number of letters supposed to have been written by a Jewish maiden, while on a long visit to Jerusalem, to her father at Alexandria, during the closing events of the life of Christ. The author tells the story in a style, which a reviewer of the times says, "from its force and beauty and simple pathos and eloquence must touch the hearts of all who read it." In 1859 *The Pillar of Fire* appeared from the pen of the same author. The plan of this book was similar to that of the former work by this writer. It treats of the bondage and deliverance of the children of Israel from the land of Egypt, and was written for the purpose of leading to a study of the Old Testament by many unfamiliar with its pages.

Mrs. Dorsey, a native of Natchez, began her literary career in the latter part of this period.

The demand for Southern works on sociology met a response in Henry Hughes of Mississippi, whose *Treatise on Sociology* appeared in 1854.

In the decade before the War between the States the legislature became fully aroused over the importance of having a thorough study made of the resources of the State. In 1854 a treatise on *Agriculture and Geology of Mississippi*, prepared by B. L. C. Wailes, of Washington, Mississippi, was published under the direction of the legislature. It is a valuable contribution to the early political and agricultural history of Mississippi, and has been largely used by subsequent writers on these subjects. Three years later an *Agricultural Survey of Mississippi*, by Professor L. Harper, of the State University, was also published by the legislature. With reference to this work a reviewer of the times says that it gives evidence of the growth in Mississippi "of very sound opinions upon the connection between geology and agriculture, and puts that comparatively new State far

in advance of many of her sisters in this particular.”* The most prolific writer on scientific and historical subjects in the State in this period was Dr. John W. Monette of Washington. His experience in the great epidemic of yellow fever that visited Natchez and Washington in 1825, shortly after he had begun his career as a physician, enabled him to gain his first distinction as a contributor to the medical literature of that day. In 1838 and 1839, when Natchez was subjected to another epidemic of yellow fever, Dr. Monette resumed his investigations and published a small volume entitled *Observations on the Epidemic Yellow Fever of Natchez and the Southwest from 1817 to 1839*. He was probably the first physician in the United States to advocate the establishment of quarantine systems in order to prevent the spread of yellow fever. Under the influence of his writings the citizens of Natchez in 1841 instituted the first quarantine against places infected with that disease. As early as 1833 Dr. Monette commenced the great literary work of his life, the *Physical Geography and the History of the Mississippi Valley*. Although this work was rewritten and enlarged several times, its author could never consent to place it in the hands of a publisher. About 1841 some of his friends prevailed upon him to write the *History of*



JOHN W. MONETTE

of his friends prevailed upon him to write the *History of*

*De Bow's *Commercial Review*, Vol. XXIII., p. 644.

the Mississippi Valley as a separate book, which was published in two volumes in 1846.*

The writings of Dr. Knutt and of Dr. S. A. Cartwright of Natchez were also valuable contributions to the scientific literature of Mississippi in this period.

Colonel J. F. H. Claiborne, the historian of Mississippi, began his literary career as one of the editors of the *Mississippi Free Trader* in July, 1841. His sketches, entitled *Trip Through the Piney Woods*, and his first contributions to the history of Mississippi appeared in that paper shortly afterwards. Before the outbreak of the War between the States he had prepared a *History of the Southwest*, which was lost. His *Life of Sam Dale, the Mississippi Partisan*, and his *Life and Correspondence of John A. Quitman* (two volumes) were published in 1860.†

Summary

1. This was a period of church expansion, in which two new denominations entered the State and all of the older churches made great progress in educational and evangelical work.

2. As early as 1843, A. G. Brown insisted upon the establishment of a system of public schools. Three years later an unsuccessful effort was made to organize a public school system. This was followed by numerous other acts which made the system more complicated and less effective year after year.

3. There was a great educational revival in Mississippi in the latter part of this period and several private schools and academies were organized in different parts of the State.

*De Bow's *Commercial Review*, Vol. XI., pp. 92-94.

†The account given above is not intended to be an exhaustive treatment of the literature of the State between 1832 and 1860. It is hoped that the student will be encouraged to make a more detailed study of this important subject.

4. In 1846 work was begun on the buildings of the University of Mississippi, and two years later the first session began with four professors and about fifty students.

5. The hostile attitude assumed by the North towards the institution of slavery caused many of the wisest people of the South and of Mississippi, especially, to oppose the sending of Southern students to Northern schools or the use of Northern text-books in Southern schools.

6. Mississippi literature might be said to have had its birth in this period (1832-1860). The newspapers of the State increased in number and influence and a few books of great value appeared from the pens of Mississippians.

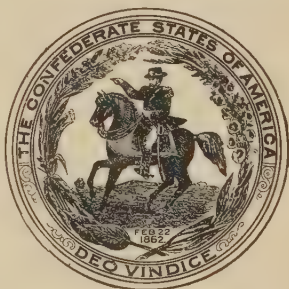
EPOCH VII

IN THE CONFEDERACY (1861-1865)

CHAPTER XXXII

BEGINNING OF THE CONFLICT

318. Preparations for War.—For some time after it had become known that Lincoln was elected to the presidency, military companies were organized in Mississippi at the rate of seven or eight a week, numbering from fifty to sixty men each. At the time of the signing of the ordinance of secession (January 15, 1861) there were sixty-five companies of volunteers in the State, aggregating almost four thousand men. Ten months later Governor Pettus estimated that the number of Mississippi volunteers had increased to over 35,000, "which is probably," he adds, "a larger proportion of the adult male population than any State or nation has sent to war in modern times." The students of the University of Mississippi and of Mississippi College formed themselves into the University Grays and the Mississippi College Rifles, respectively, and were among the first to enter the conflict. The problem of arming and equipping this large number of troops was a serious one. Flint-lock muskets were changed for the use of percussion caps, and with these a large number of troops were armed for the



SEAL OF THE CONFEDERACY

conflict. Churches gave their bells to be used in making cannon, and citizens from all parts of Mississippi promptly placed their money at the disposal of the State, several of them equipping and arming companies for the war. The women of the State, no less patriotic, began to spin thread and weave cloth with which to clothe the soldiers.



Jefferson Davis

319. Jefferson Davis President of the Confederacy.—The Senators and representatives from Mississippi in Congress resigned their seats in that body and left for their homes upon learning that the State had seceded from the Union. When Mr. Davis returned from Washington, he found his

commission as major-general awaiting him. He devoted a short time to the work connected with this position, and then returned to his plantation (Briarfield), in Warren county. In the meantime a convention of the seceding States had met at Montgomery, Alabama, February 4, 1861, for the purpose of organizing the government of a new nation. It adopted a provisional constitution, and then proceeded to the election of officers, which resulted in the choice of Jefferson Davis as President, and Alexander H. Stephens, of Georgia, as Vice-President of the Confederate States of America. Although Mr. Davis had neither sought nor desired this position, he promptly went to Montgomery, where he was inaugurated February 18, 1861.

320. Mississippi Troops Enter the Conflict.—The first body of troops to leave Mississippi to engage in the War between the States consisted of 1,500 men sent to Florida, in the spring of 1861, for the purpose of attacking Fort Pickens, which was held by a Federal force. They reached Pensacola only a few days before the capture of Fort Sumter (April 13, 1861), which was the first engagement of the war. In the same year other troops from Mississippi were sent to various parts of the Confederacy.

321. The Capital Changed and the Confederacy Completed.—When it became certain that an attempt would be made to force the seceded States back into the Union, Virginia seceded and joined the Confederacy. The capital was then (May 20, 1861) transferred from Montgomery to Richmond. At that time the new nation was composed of the following States, given in the order in which they seceded: South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, and North Carolina. With the addition of Tennessee in the following month, the Confederacy was completed. .

322. The State Government in 1861.—In October, 1861, .

Governor Pettus was reëlected almost without opposition, and seven men were chosen to represent the State in the lower house of the Confederate Congress.* The State legislature met early in the following month. The greater part of the session was devoted to the consideration of matters pertaining to the war, and to the welfare of the soldiers in the army. Two Senators—A. G. Brown and James Phelan—were also chosen to represent the State in the Confederate Congress.

323. Character of the War.—In the great struggle of four years (1861-1865) between the States, over 2,200 engagements were fought, eighty of which were on the soil of Mississippi. This was the bloodiest and most stubbornly contested war of modern times, battles being fought in almost every part of the South, and also in many of the Northern States. The combined armies of the two nations numbered about 3,378,000 men, about 2,778,000 of whom were in the service of the Union, and about 600,000 in the service of the Confederacy. It is a remarkable fact that there were about 2,178,000 more soldiers in the Federal than in the Confederate army. The losses of the four years in killed, wounded, and died of disease were about 360,000 men in the Union and 325,000 men in the Confederate army.

It may be safely said that over 1,000,000 men lost their lives as a result of this war, or were permanently disabled thereby. Besides these, thousands of survivors remained sufferers from the effects of it for years afterwards. The loss in money and property was almost incalculable. The expenses incurred and the property destroyed by the war is reasonably computed to have been not less than ten billions of dollars (\$10,000,000,000). The sacrifices, hardships, and losses, incurred by the people of the South in

* For a complete list of all the Senators and representatives in the Confederate Congress see Appendix.

contending against the great resources of the United States, have been unequalled in history.

The great battles of the war were: Antietam, Manassas, Perryville, Fair Oaks, Shiloh, Fredericksburg, Stone River, Chancellorsville, Chickamauga, Gettysburg, Wilderness, Cold Harbor, Atlanta, Franklin, Vicksburg, and Seven Days' Battle around Richmond. They were among the bloodiest battles in history. In the battle of Antietam 20,985 men were killed and wounded on both sides; 22,114 men killed and wounded at Chancellorsville; 26,930 at Chickamauga; 40,228 at Gettysburg; 25,033 at the Wilderness, and the losses in many other battles were as large in proportion to the number engaged. These battles and losses are especially mentioned to give an idea of the bloody conflict.*

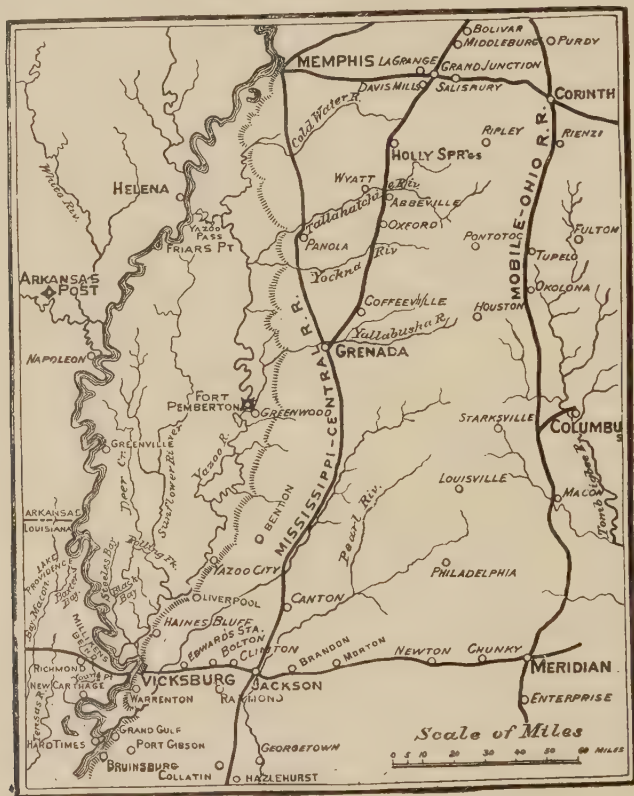
324. Mississippians in the War.—The troops of Mississippi (over 70,000 in number) were distributed in all of the armies of the Confederacy, as were the troops of the other States. They fought on the soil of nearly every Confederate State. They did heroic service in the armies of Lee, the Johnstons, Beauregard, Bragg, Hood, and of other Confederate generals in less important commands. A list of all the gallant officers who were furnished by the State to the Confederate army cannot be given here. A history of this period would not be complete, however, without mentioning

* To give an idea of the desperate fighting in the Confederate army the following Mississippi regiments are selected: The Sixth Mississippi at Shiloh lost 300 men out of 425 present, or 70.5 per cent of those engaged; the Sixteenth Mississippi, at Sharpsburg, lost 63.1 per cent of those present; the Twenty-ninth Mississippi, at Chickamauga, lost 52.7 per cent of those present; the Eighth Mississippi, at Murfreesboro, lost 47.1 per cent of those present. Featherstone's Mississippi Brigade, in Virginia, lost in one prolonged battle (Seven Days' Battle around Richmond, at Gaines' Mill and Glendale) 49.3 per cent of those present. Longstreet's Division lost in the same battle 50 per cent.

the following Mississippians, most of whom rendered valiant service in other States: Major-General Earl Van Dorn, the dashing cavalry leader; Captain Isaac N. Brown, the brave commander of the Confederate ram *Arkansas*; Brigadier-General Richard Griffith, who fell in the Seven Days' Battle around Richmond; Brigadier-General Carnot Posey, who was killed at the head of his command at Bristow Station; Brigadier-General William Barksdale, whose services at Gettysburg have made "the place where Barksdale fell" a spot of historic interest; Major-General E. C. Walthall, who served throughout the war without asking for "a hard place for glory" or "a soft place for comfort." In the Georgia campaign Major-General William T. Martin and Brigadier-Generals Wirt Adams, W. S. Featherston, S. W. Ferguson, M. P. Lowrey, C. W. Sears, J. H. Sharp, and J. A. Smith rendered conspicuous services. Mississippi was represented in Virginia by Brigadier-General B. G. Humphreys, Nathaniel H. Harris, Joseph R. Davis, and Colonel J. M. Stone. Generals J. R. Chalmers, Robert Lowry, S. G. French, and others also rendered valuable services in this great conflict.

325. The War in Northern Mississippi.—At the outbreak of the war the western part of the Confederacy was protected by forts and armies along the southern border of Kentucky and Missouri, and by a few small boats on the Mississippi. Shortly after the beginning of hostilities the importance of opening the Mississippi River to the commerce of the Western States that were still in the Union became apparent, and efforts were promptly directed to accomplish this result. The ascent of the Tennessee River by Generals Grant and Buell rendered it necessary for the Confederate army under General Albert Sidney Johnston to retire to the south of that stream. The Confederate troops were concentrated at Corinth, near which place the

bloody battle of Shiloh was fought, in April, 1862. In this engagement the death of General Johnston on the eve of victory, and the timely arrival of General Buell, bringing



WAR MAP OF MISSISSIPPI

reinforcements to General Grant, turned the tide of battle, and caused the Confederates under General Beauregard to retire to Corinth. Here the Confederate army was reinforced by Generals Van Dorn and Price, who had crossed the Mississippi River from Arkansas, after fighting the

battle of Pea Ridge. The Union army, consisting of 100,000 men, then entrenched itself before Corinth, and General Beauregard, having only 53,000 men, quietly vacated that place and retired fifty-five miles south, to Tupelo, which he made a base of operations. Here he was superseded by General Bragg. General Rosecrans, the Union commander, made Corinth a base of supplies, and fortified the place. About this time Holly Springs fell into the hands of the Federal army. General Rosecrans attacked General Price at Iuka September 19th, and was defeated. Later, General Price had to retreat to Baldwin, as Rosecrans was reinforced.

The Confederates under Major-General Van Dorn of Mississippi made a daring and bloody attempt to recapture Corinth (October 3 and 4, 1862), but were repulsed with great loss, after having taken a part of the town. The Confederate army then retreated towards Ripley and later to Grenada, where, in December, 1862, was inaugurated the second campaign against Vicksburg. As the three campaigns against Vicksburg were among the most important of the War between the States, a more detailed account of them will now be given.

Summary

1. Within ten months after the signing of the ordinance of secession the number of Mississippi volunteers increased from almost 4,000 to over 35,000, and great efforts were made to arm and equip this force.

2. After serving a short time as major-general of State volunteers, Jefferson Davis accepted the position of President of the Confederate States, and was inaugurated in February, 1861.

3. The first troops to go beyond the borders of Mississippi in the War between the States were sent to Florida in the spring of 1861.

4. In May, 1861, the capital of the Confederacy was removed from Montgomery to Richmond, and in the following month the Confederacy was completed, consisting of eleven States.

5. In October, 1861, John J. Pettus was re-elected governor of Mississippi.

6. The War between the States was the bloodiest conflict of modern times; eighty out of the 2,200 engagements were fought on Mississippi soil; the Union forces outnumbered the Confederate forces by about 2,178,304 men; over one million of lives were lost, and not less than ten billions of dollars' worth of property was expended.

7. In the spring of 1862 the war reached Mississippi. After the battle of Shiloh, Corinth was occupied by the Federal troops, and made a base of supplies for the Union army; Holly Springs then fell. Tupelo became the base of operations for the Confederate army in Mississippi. A Union force was defeated in the battle of Iuka (September 19th), but the Confederates were forced to retreat; a Confederate force made an unsuccessful attempt to capture Corinth (October, 1862).

CHAPTER XXXIII

CAMPAIGNS AGAINST VICKSBURG

326. Significance of the Campaigns Against Vicksburg.—The campaigns ending in the capture of Vicksburg (July 4, 1863) resulted in splitting the Confederacy in two parts, separating three of the Confederate States on the west side of the Mississippi River from the others on the east side. They resulted also in the capture of an army of 30,000 men, and the opening of the great river to Federal commerce. These campaigns may be said to have lasted from May 13, 1862, to July 4, 1863.

327. First Campaign Against Vicksburg.—The Confederate government depended on a small fleet of gunboats above Memphis, and a few guns at Memphis, and the two forts, Jackson and St. Philip, near the mouth of the river, for the protection of the river and for keeping it under Confederate control. Early in the war the Union troops had gained Kentucky and Tennessee, destroyed the Con-

federate gunboats, and taken possession of the upper river almost to Memphis.

The United States government sent a large squadron under Admiral Farragut, with a flotilla of gunboats, mortar-boats, and transports bearing an army under General Benjamin F. Butler, to the mouth of the Mississippi (May, 1862). By capturing the forts at the mouth of the river and taking possession of New Orleans this force opened the river as far north as Vicksburg.

Admiral Farragut at once steamed up the river to Vicksburg, carrying with him thirty-five vessels, including nine ocean war vessels, eighteen mortar-boats and transport-boats, with 3,000 troops. He appeared before Vicksburg May 18, 1862. About the same time Memphis fell, and the upper river gunboat fleet came down the river and anchored above the city.

After the fall of New Orleans the Confederate government saw the danger threatening Vicksburg and hastily sent a few heavy guns and troops to defend it. The guns were scarcely mounted when Farragut arrived below the city and demanded its surrender, which was refused. The inhabitants of the place said with one voice, "The city must be defended, even if all our houses and property are destroyed." These two great fleets bombarded the city until July 18th—two months.

On July 15, 1862, occurred what has been called "one of the most brilliant naval feats recorded in the annals of naval warfare." When Memphis was captured by the Federal gunboats, the Confederate ram *Arkansas* was under construction at that place. She was removed into the Yazoo River, where the work was completed. When she was ready for service, the gallant commander, Captain Isaac N. Brown, of Mississippi, ran out of the mouth of the Yazoo River, and, "single-handed, attacked the whole

Federal fleet, including Admiral Farragut's squadron of eight vessels and Admiral Davis' gunboat fleet of twelve vessels." She reached the wharf at Vicksburg, after losing about one-half of her crew. She was finally disabled and blown up by her officers to prevent her capture by the enemy.

The enemy finally decided that Vicksburg could not be taken from the water front, and gave up the effort. This was the end of the first campaign against Vicksburg.

328. Second Campaign Against Vicksburg.—This campaign was begun in December, 1862. General Grant was at that time in North Mississippi near Oxford and Water Valley with an army of nearly 50,000 men. General Pemberton was at Grenada with an army of about 21,000 men. General Grant determined to send a part of his army under General W. T. Sherman to Memphis, from which point, after being largely reinforced, he was directed to move rapidly down the river with the fleet and take Vicksburg unexpectedly, before the Confederate army at Grenada could go to its assistance.

General Grant was at the same time to press the Confederate army at Grenada, force it to battle, or follow it towards Vicksburg, if it left his front. The plan was well arranged, but failed in both directions. As arrangements were being perfected, General N. B. Forrest with his cavalry raided into West Tennessee and destroyed bridges, and tore up sixty miles of the track of the road over which General Grant was supplying his army. General Earl Van Dorn, also, with a body of Confederate cavalry, moved from near Grenada around General Grant's army, and captured and burned millions of dollars' worth of Federal supplies at Holly Springs.

These two raids by the Confederate cavalry forced General Grant to move his army to Memphis. In the mean-

time, General Sherman had organized a force of 33,000 men and 60 guns, which had taken passage on a flotilla of 120 boats—including the gunboats—and was making his way to Vicksburg by water. He appeared in the Yazoo River on Christmas day, disembarked his army near the mouth of Chickasaw Bayou, ten miles from the city, and attempted to reach the bluffs, several miles from the river. There were at that time only about 5,000 troops in the city of Vicksburg. He attacked the Confederate troops, about 2,500 men, under General Stephen D. Lee, near the head of the Bayou (December 29, 1862). They were well posted and had a good position for defense at the foot of the bluffs. The attack was disastrously repulsed, with a Union loss of 1,776 men killed, wounded and prisoners, and a Confederate loss of 120 men. No serious attack was made on the Confederate line toward Vicksburg, six miles distant. Reinforcements from Grenada were rapidly arriving, and General Sherman reëmbarked his army on his transports Jan. 3, 1863, and disappeared from before Vicksburg.

329. Third Campaign against Vicksburg.—The third campaign was begun in January, 1863, immediately upon the failure of the preceding one, and terminated successfully for the Union army, July 4, 1863. The United States government made use of immense resources to accomplish the result. General Grant, after arriving at Memphis, put his army on transports and descended the Mississippi River, joining his army to that of General McClernand, who had superseded General Sherman in command after his failure to take Vicksburg. The united armies, which numbered over 50,000 men, were encamped on the Louisiana side of the river. During the months of January, February, March, and part of April, attempts were made in connection with Admiral Porter's gunboat fleet and the transports to force

the fleet and army through the bayous and rivers in the Delta between the Mississippi River and the Yazoo River, and to reach the highlands north of Vicksburg. The level of the Mississippi River was at that time five feet above the general level of the Delta.

By cutting the levee at Yazoo Pass, on the Mississippi side of the river opposite Helena, a large force under General McPherson was enabled to enter the Cold Water and Tallahatchie rivers. As these streams had been partially blocked by the Confederates, it was found that only the smaller gunboats and transports could make any headway. These boats succeeded, however, in getting within a few miles of the Yazoo River, where they were stopped by the guns of Fort Pemberton on the Tallahatchie River. About 30,000 Union troops, under General McPherson, were engaged in this attempt. A similar attempt was made by Admiral Porter and General Sherman to get through Steele's Bayou and Deer Creek into Sunflower River, and into the Yazoo. This also failed. An effort was then made to get below Vicksburg from Lake Providence, La., through a bayou into the Red River, and into the Mississippi below Vicksburg. Grant also attempted to change the channel of the great river by means of a canal dug opposite the city of Vicksburg, so as to cause the river to make a new bed with its waters emptying below the city. All these efforts failed to accomplish the desired results. General Grant then decided on the bold plan of causing his gunboats and transports to run by the batteries of Vicksburg, so as to get transportation to cross his troops below the city, while he marched his army by Vicksburg on the Louisiana side of the river to a point below Grand Gulf, at the mouth of the Big Black River. His boats successfully passed the batteries on the night of April 16th, and again a few nights later. General Grant then moved two corps

of his army to Bruinsburg which is situated on the Mississippi side, leaving a third corps on the opposite side of the river from Vicksburg, to threaten the bluffs to the north of that city.

General Grant himself crossed the river below Grand Gulf with nearly 35,000 men. He moved rapidly to the bluffs a few miles away, and then towards Port Gibson, twelve miles distant. General Pemberton, not anticipating such a movement, could not concentrate his troops in time to meet the enemy. General Bowen, who was stationed at Grand Gulf, with only about 5,000 men to hold the batteries at that place, attempted to stop General Grant. A severe battle was fought (May 1st) near Port Gibson. The Confederates were defeated and driven across the Big Black River.

General Grierson, acting under orders from General Grant, made a raid through Mississippi from La Grange, Tenn., to Baton Rouge, La., (April 17th to May 2, 1863) for the purpose of destroying public and private property. Other similar expeditions penetrated to different parts of the State from the Memphis and Charleston Railroad between Memphis and Corinth. It became necessary to send Confederate troops to meet these raids, and General Pemberton's forces at Vicksburg were greatly reduced thereby.

After the battle near Port Gibson Pemberton got together an army of about 18,000 men between the Big Black River and Vicksburg, expecting Grant to cross at once and invest the city. Instead of doing this, however, he rested near the Big Black River until he was rejoined by General Sherman, and about May 8th he moved with his army toward Raymond and Jackson with about 42,000 men. He was eminently successful in his efforts to defeat and drive off any reinforcements attempting to get to Vicksburg. He encountered General Gregg's brigade at Ray-

mond (May 12th), and forced it back to Jackson. He then marched with one of his corps to Clinton, and thence to Jackson, while another corps was on its way from Raymond to the same place. The two forces arrived on the west and south of the city on May 14th.

General Joseph E. Johnston, who had reached Jackson on the evening of May 13th, found everything in confusion, owing to the rapid movements of the enemy. With the small body of Confederate troops available he made a show of resistance in order to gain time to move as great an amount of supplies as possible from the city before evacuating it. In this engagement, which lasted several hours, the Confederates lost about 200 men and the Union army about 300. General Johnston then withdrew from the city to the north. The archives of the State were carried away from Jackson to Enterprise for safety. The Union army marched in and destroyed the supplies that had been left, and burned the Confederate House, Green's factory, the foundry, the Catholic church and the penitentiary. General Johnston suggested that General Pemberton, who was still near Vicksburg, attack the enemy at Clinton. General Grant, having received from a Union spy General Johnston's dispatches, was master of the situation, and arranged to thwart the plans of the Confederates. He at once (May 14th) began to retrace his steps with a view to concentrating seven divisions of his army near Edwards in order to prevent the junction of Pemberton's and Johnston's forces. Three divisions moved over the Edwards and Clinton road and two others over each of the two roads from Raymond to Edwards. He bivouaced in line of battle near Champion Hills on Baker's Creek on the night of May 15th.

General Pemberton had moved his army across the Big Black, after he found General Grant had left his front, and

had it ready for battle at Edwards. When he arrived there, he did not feel strong enough to move to Clinton, and found a division of Grant's army due south of Edwards about ten miles. Not knowing the locality of General Grant's army, and fearing that this force, or possibly a larger one, might get between his army and Vicksburg, in case he followed General Johnston's orders and moved to attack Grant at Clinton, nine miles from Jackson, he decided not to follow the instructions of Johnston, but to move south and attack that part of Grant's army nearest, as he thought, to his own. A very heavy rain prevented his moving on the 14th of May. The bridge over which he expected to cross Baker's Creek was washed away, and when he did begin this movement on the afternoon of May 15th, he had to march his army over circuitous roads, in order to use another bridge which was on the road towards Clinton. On the morning of May 16th, General Pemberton, without knowing it, was only about two and a half miles from the Union army, which was moving rapidly to the attack. The Battle of Baker's Creek followed, in which 15,000 Confederates, after offering a gallant resistance to 35,843 Union soldiers,* were forced to yield to the superior forces of the enemy. After retreating across Baker's Creek, General Pemberton's army marched to the railroad bridge over the Big Black, where another small engagement took place (May 17th). The Confederate forces retired within the entrenchments surrounding the city of Vicksburg.

One division of three brigades under General Loring was separated, however, from the main army, while covering its retreat over Baker's Creek. After making several

* Grant had on the field seven divisions, which, according to the April return of his army, numbered 35,843. Pemberton had left Edwards with 17,500 men, but had sent 2,500 back to that place.

unsuccessful efforts to rejoin General Pemberton, this division marched around the southern divisions of the Union army and reached Crystal Springs on the following day (May 17th), and a few days later joined General Johnston's army at Jackson.

330. Siege of Vicksburg.*—The memorable siege of Vicksburg began after the battle at Big Black Bridge and lasted forty-seven days (from May 18th to July 4, 1863). General Grant, encouraged by his recent victories, attempted to take the city by assault (May 19th and May 22d). He was repulsed with a loss of about 5,000 men. His army was rapidly reinforced, until it numbered over 75,000 men. He placed about 220 guns in position and encircled the city on the land side with his troops. On the river in front of the city was Admiral Porter's formidable fleet, which rendered, according to General Grant's statement,† a service that was equal in importance to that of his army, and without which "the campaign could not have been successfully made with twice the number engaged." Thus the doomed city, containing only 17,000 effective Confederate troops, was virtually surrounded by "a sheet of bayonets and fire." General Johnston was at Jackson, where he finally succeeded in collecting an army of 25,000 men, with which he vainly hoped to relieve Vicksburg. While the fleet threw into the city, "day and night, the largest shells and shots known in modern warfare," the besieging infantry and artillery on the land side kept up a continuous fire on the entrenched army within the city. The besieging army dug numerous tunnels and con-

* For an interesting account of the trials of those who were in Vicksburg during the siege, read Loughborough's (Mrs. James M.) *My Cave Life in Vicksburg*. See, also, General Lee's (Stephen D.) *Siege of Vicksburg*, in the *Publications of the Mississippi Historical Society*, Vol. III.

† Grant's *Memoirs*, Vol. I., p. 574.

structed mines which were exploded from time to time. The scream of shells and the roar of cannon were at times almost deafening. The inhabitants sought refuge in caves dug in the hillsides. As the siege advanced, the supply of food was exhausted, and the troops in the heroic city ate mule flesh, upon which they subsisted until it finally gave out. Hunger and exposure produced disease, which became so widespread that on July 4th eight thousand men were reported sick.

331. Surrender of Vicksburg, July 4, 1863.—When it became apparent that resistance was no longer possible, General Pemberton, on July 3, 1863, requested that three commissioners be appointed from each army to arrange for the surrender of the city. General Grant opposed the appointment of a commission and demanded an unconditional surrender of the city. He added, however, in his reply that “Men who have shown so much endurance and courage as those now in Vicksburg will always challenge the respect of an adversary, and I can assure you, will be treated with all the respect due them as prisoners of war.” The city, with its brave garrison, was surrendered on the following day.

332. Fall of Port Hudson.—On July 8th Port Hudson, which had been besieged about the same time as Vicksburg, surrendered to General Banks. This completed the work of the Federal forces in their efforts to open the Mississippi River to western commerce.

333. General Johnston's Efforts to Relieve Vicksburg.—After the fall of Vicksburg, General Grant sent General Sherman with a large army in pursuit of General Joseph E. Johnston, who by this time had organized an army of 30,000 men. Johnston had approached Vicksburg, but not in time to relieve the city. He did not have force enough to do this. It took time to collect and organize an army for

any new danger, as every point in the Confederacy, owing to the superior forces of the Union, seemed to be the point or locality of most danger. Johnston, therefore, was not really ready to give any aid until about the time of the surrender.

Summary

1. The campaigns against Vicksburg were important in their results, because (1) they split the Confederacy, separating the three Confederate States on the west side of the Mississippi River from those on the east side; (2) they resulted in the capture of an army of 30,000 men; and (3) they opened the Mississippi to Federal commerce.

2. The first campaign against Vicksburg was conducted by two fleets—one from the upper and the other from the lower Mississippi—which bombarded the city two months before giving up the attempt to take it from the water front. The Confederate ram, *Arkansas*, under command of Captain Isaac N. Brown, of Mississippi, performed a brilliant naval feat (July 15, 1862).

3. In the second campaign General Grant's decision to attack the Confederate army at Grenada was thwarted by General Forrest and General Van Dorn. General Sherman's efforts to attack the city from the north side led to a disastrous repulse by General Stephen D. Lee near Chickasaw Bayou.

4. In the third campaign several unsuccessful attempts were made to land forces above Vicksburg and attack the city from the north. Efforts to get into the Red River and to change the channel of the Mississippi in order to get below the city also failed. Federal transports then passed the batteries of Vicksburg, while General Grant marched his army by the city on the Louisiana side. He then crossed the river below Grand Gulf, and after capturing Port Gibson, Raymond and Jackson, and defeating the Confederate forces in the battles of Baker's Creek and Big Black Bridge he began to besiege Vicksburg. In the meantime raids under General Grierson and other Federal commanders destroyed much property in Mississippi.

5. The siege of Vicksburg lasted forty-seven days, and the Confederate forces at that place were forced by hunger and disease to surrender (July 4, 1863) before effective aid could reach them.

6. Port Hudson fell four days later.

CHAPTER XXXIV

LAST ENGAGEMENTS OF THE WAR IN MISSISSIPPI

334. Battle at Jackson.—Sherman arrived before Jackson July 12, 1863, and attacked the intrenchments. He was repulsed. Johnston saw, however, that with Sherman's superior numbers the Union forces could get in his rear by crossing Pearl River. He therefore evacuated Jackson and retreated to Brandon on July 16th. After sending out a force, which captured Brandon, General Sherman destroyed the railroad and retraced his steps to Vicksburg.

335. Cavalry Forces.—Mississippi was nearly stripped of troops of the Confederacy after the fall of Vicksburg; only a small infantry force was left in the State, too small to meet any considerable army. A large cavalry force was organized, however, in the fall and winter of 1863-'64 by General Stephen D. Lee, and later another cavalry force was organized by General N. B. Forrest, mainly from West Tennessee. Those two bodies of cavalry restricted and held in check the cavalry and small infantry raids made by the Union forces. Many small engagements were fought in which the Confederates were generally victorious.

336. Governor Clark.—In January, 1864, General Charles Clark was inaugurated governor of Mississippi, at Columbus, which was then the seat of government. He had been elected the year before over General A. M. West and General Reuben Davis. He was born in Ohio and educated in Kentucky. He removed to Mississippi early in life and engaged in teaching at Natchez and in Yazoo county. He afterwards began the practice of law in Jefferson county. He became captain of a company in the Mexican War and was later made colonel of his regiment, the Second Mississippi. For several years he was an influential

member of the legislature from Jefferson and Bolivar counties. He entered the Confederate army as brigadier-general and was afterwards promoted to the rank of major-general. At Baton Rouge he received a wound (July, 1862), which disabled him for further service in the army. As



CHARLES CLARK

governor of Mississippi he did everything in his power to help the faithful soldiers in the camp and to protect the suffering women and children at home. No State ever had a more patriotic citizen or a more faithful official.

337. Sherman's Raid.—

In February, 1864, General Sherman, to ascertain what Confederate forces were in Mississippi, made an expedition from Vicksburg to Meridian, along the line of the Alabama and Vicksburg Railroad. He had four divisions of infantry and a cavalry force, all numbering over 30,000 men. He found in his front General Stephen D. Lee with a cavalry force of 2,500 men, who fought him from the Big Black River to Meridian. General Polk had an infantry force of about 12,000 men between Brandon and Meridian. He did not feel strong enough to give battle, and retreated to Demopolis, Alabama.

Sherman laid waste the country in his march, burning and destroying public and private property. He gathered up 5,000 negroes, 3,000 horses, mules and oxen belonging to farmers, and all wagons and vehicles, and burned cotton

gins, private houses and other kinds of property. He burned Meridian and destroyed the railroads leading into that city, 10,000 men being put at this work. The ties were burned and the iron rails warped so as to be utterly useless. Continuing his work of destruction, he returned to Vicksburg by a route to the north of the one he had just traveled.

The following account of General Sherman's work of destruction is taken from his reports: "We are absolutely stripping the country of corn, cattle, hogs, sheep, poultry, everything, and the new-growing corn is being thrown open as pasture fields or hauled for the use of our animals. The wholesale destruction to which the country is now being subjected is terrible to contemplate." "We have desolated this land for thirty miles round about (Jackson). There are about eight hundred women and children who will perish unless they receive some relief." "There was and is too great a tendency to plunder and pillage, confined to a few men, that reflects discredit on us all."*

338. General Smith's Raid.—Coöperating with Sherman's expedition was a cavalry raid into North Mississippi under General William Sooy Smith, with seven thousand mounted men. His force was to unite with Sherman's at Meridian, but got only as far as West Point, Mississippi, where it was confronted by a cavalry force under General Forrest. General Lee's division of cavalry was sent from near Meridian to unite with General Forrest to meet this force, but the enemy, followed by Forrest, retreated before his arrival. This expedition, like Sherman's, destroyed the railroads and stripped the country of almost everything; it carried off over 3,000 mules and as many negroes.

339. Other Engagements.—General Lee's division of cavalry was then sent with what infantry had been left in Mis-

* Records of the Rebellion, Series I., Vol. XXIV., Part II., pp. 526, 530, and 537.

Mississippi to reinforce Joseph E. Johnston's army in Georgia. General Lee himself was put in command of the departments of Mississippi, Alabama, East Louisiana and West Mississippi. The only troops left in the State were Forrest's cavalry in North Mississippi and a small brigade under Wirt Adams near Jackson. Forrest's command gave the enemy much annoyance in West Tennessee, and in June a large force of cavalry and infantry was sent into North Mississippi from Memphis to defeat him. Forrest met this force at Brice's Cross-Roads, June 10th, and completely routed it, gaining one of the most signal victories of the war for the forces engaged. Another force, numbering about 15,000 men, under A. J. Smith was sent against General Forrest in the following month. Several engagements were fought near Pontotoc and Tupelo (July 16th to 19th), ending in a most bloody battle at Harrisburg, near Tupelo. It was a drawn battle, the Confederates under Generals Stephen D. Lee and Forrest losing nearly 1,000 men. The enemy retreated to Memphis.

The war came to a close in the spring of 1865. General Robert E. Lee in Virginia surrendered his army April 9th, General Joseph E. Johnston surrendered his, April 26th, General Richard Taylor, in Mississippi, May 4th, and General E. Kirby Smith, west of the Mississippi, May 26, 1865. Two months after General Lee's surrender there was not a Confederate soldier under arms from Maryland to Mexico.

340. Effects of the Blockade.—Throughout the war Federal ships guarded the Confederate seaports to prevent the people of the South from sending their cotton to foreign markets and from receiving articles of food and clothing and military supplies from other countries. In spite of the gallant efforts of a few vessels belonging to the Confederacy, the ports could not be opened. By "running the blockade" swift ships sometimes passed the Federal vessels

and entered Southern ports, but little relief came from this source, as the articles thus brought in were sold at prices too high for the majority of the people. The patriotic women of Mississippi again brought their old spinning wheels and looms into use and thus supplied the scarcity of clothing for themselves and their families at home and for the brave soldiers in the camp. The cultivation of cotton was almost entirely abandoned and attention was directed to the raising of articles of food. A few months after the establishment of the blockade flour and salt became very scarce and coffee could hardly be found in the State. Bolted meal and other substitutes for flour were soon introduced, parched corn and many other substitutes for coffee were also used; but the lack of salt was less easily supplied, though the dirt floors of old smoke-houses and the salt water of the gulf helped to furnish the suffering people with this necessary article.

341. Freeing of the Slaves.—In September, 1862, President Lincoln issued a proclamation threatening that unless the Southern States returned to the Union within one hundred days he would declare that the slaves should be forever free. These States disregarded the proclamation and on the first day of January, 1863, Mr. Lincoln issued a second proclamation declaring that the slaves in the seceded States were free. The South disregarded this proclamation also, for being out of the Union they were not bound by the proclamations of President Lincoln. But when the South was forced back into the Union at the end of the war it was generally believed that the institution of slavery was dead. With the ratification of the Thirteenth Amendment there was no longer any doubt on this subject.

342. Assassination of President Lincoln.—As the war drew to a close President Lincoln was shot (April 14, 1865) by J. Wilkes Booth, and died a few hours afterward. This

unfortunate act was very much regretted by the Southern people, who had hoped that Mr. Lincoln would not deal harshly with them after the surrender. He was succeeded by Vice-President Andrew Johnson; who, the people of the South had reason to believe, would be less liberal towards them.

Summary

1. General Charles Clark was inaugurated governor of the State in January, 1864.

2. General Sherman was defeated at Jackson by General Johnston, who was finally forced to retreat before the superior force of the enemy. After taking Brandon, General Sherman returned to Vicksburg.

3. Several engagements then followed between the small infantry forces of the Union army, which made numerous raids throughout the State, and the cavalry forces under command of Generals Stephen D. Lee and N. B. Forrest. In these small engagements the Confederates were generally successful.

4. In February, 1864, General Sherman made a raid from Vicksburg to Meridian, being opposed along the way by a cavalry force under General Stephen D. Lee. The Union forces in this raid succeeded, however, in destroying much valuable property.

5. A Federal raid under the command of General Smith was stopped at West Point by General Forrest.

6. In the battles at Brice's Cross-Roads, General Forrest gained a signal victory over a Union force. At Harrisburg a drawn battle was then fought, in which Generals Stephen D. Lee and Forrest lost nearly a thousand men. The enemy retreated to Memphis.

7. The war closed with the surrender of Generals Robert E. Lee, Joseph E. Johnston, Richard Taylor, and E. Kirby Smith.

8. By blockading the southern coast the Federal government prevented trade with foreign nations. This led to much suffering among the people of Mississippi.

9. When the war closed slavery was dead. The Thirteenth Amendment was then adopted, giving legal force to Lincoln's emancipation proclamation of January 1, 1863.

10. Abraham Lincoln was assassinated (April, 1865) at the close of the war, and Andrew Johnson became President of the United States.

EPOCH VIII
UNDER FEDERAL RULE (1865-1870)

CHAPTER XXXV

EFFORTS AT ORGANIZATION* (1865-1867)

343. Transition from War to Peace.—As the spring of 1865 approached, it became evident to the most hopeful that the collapse of the Confederacy was near at hand. People had grown tired of the conflict in which there were so few prospects of success. Many hoped that the end would come in time for the returning soldiers to plant a crop, and thus keep away the starvation which threatened their families. General Lee surrendered April 9th, but as most of the Mississippi troops were in the army of General Taylor, which surrendered a month later, they were obliged to remain at the front until the planting season had well-nigh passed. On the 6th of May General Taylor surrendered to General Canby near Meridian. The soldiers were advised to accept the situation in good faith, cheerfully submit to the authority of the United States, obey its laws, aid in restoring peace, and cultivate friendly relations with those with whom they had so long contested. Having taken an oath not to take up arms against the United States, these ragged and hungry veterans of a lost cause returned to their homes to begin the work of restoration.

344. The Situation in 1865.—The desolation which met the returning soldiers was enough to fill the stoutest heart

* Fuller accounts of the events of this period will be found in Garner's *History of Secession, Reconstruction and Revolution in Mississippi*; Cox's *Three Decades of Federal Legislation*; Goodspeed's *Memoirs of Mississippi*, Vol. II.; Mayes' *Life, Times and Speeches of L. Q. C. Lamar*.

with despair. The country was almost entirely stripped of live-stock; bridges and fences were gone; tools and farming implements were wanting; there was no credit system; the labor system was deranged by the emancipation of the slaves; and the freedmen gathered about the towns and military camps, refusing to labor. A Northern traveler, who attended a meeting of three hundred persons at Aberdeen, declared that at least one-third of them had a leg or arm missing. Another estimated that one-third of the bread-winners of the State had been sacrificed in the con-



SOUTHERN SCENE AT END OF THE WAR

test. Long lines of fortifications and piles of rubbish could be seen in many towns. Instead of fields of waving grain, only small patches of sickly looking corn could be seen here and there, little cotton having been

planted. The railroads presented a sad picture. Miles of track were destroyed, cross-ties were rotten, railway stations and warehouses were burned, water tanks were gone, ditches were filled up, road-beds were grown up with weeds and bushes. On some of the roads all the bridges and trestles were gone. The Mississippi Central Railroad had only eight passenger coaches left, and the Mobile and Ohio Railroad only eleven. The present Illinois Central Railroad, the best equipped railroad in the Confederacy, had only three station-houses left standing. Nearly all the

State institutions had fallen into decay. County court-houses and jails were in no better condition. It was estimated that not one county jail in ten would hold a desperate criminal twenty-four hours.

345. The Period of Anxious Uncertainty.—Added to the terrible desolation of the country and the impoverishment of the people was a feeling of uncertainty as to the kind of treatment they would receive from the hands of their victorious enemy. President Johnson declared that treason must be made odious and traitors punished. This was intended as a threat against the ex-Confederates. Governor Clark, who had been a refugee from Jackson since the occupation of that town by the Federal troops, in 1863, issued a proclamation from Meridian the day after Taylor's surrender, in which he directed the legislature to assemble at Jackson on the 18th of May to provide for a State convention. The proclamation enjoined all county officers to be watchful in the preservation of order and the protection of property. "Let all citizens," said he, "fearlessly adhere to the fortunes of the State, assist the returning soldiers to obtain civil employment, and meet facts with fortitude and common sense." The legislature met, pursuant to the call of the governor, but was in session only about one hour, when the report came that General Osband, of the Federal army, had received orders to arrest the members. It was hastily dissolved, and the members hurried away from the capital in great confusion. In its brief session, provision had been made for the appointment of a committee to proceed to Washington and confer with the President in regard to the situation.

Shortly after, a Federal officer demanded that Governor Clark give up his office and surrender the archives of the State. The governor said: "I comply with your demands only because I am forced to do so, and I protest in the name

of freedom and justice against this act of lawless usurpation on the part of the President of the United States." Governor Clark was then arrested and sent to Fort Pulaski, Savannah, where he was imprisoned. The State was then without a government of any kind. The governor was in prison charged with treason, and the legislature was forbidden to meet. The President had not officially announced the end of the war, and martial law reigned throughout the State. What would come next no one could tell.

346. Reconstruction Plan of the President.—President Johnson denied the constitutional right of secession, and maintained that the States which had joined the Confederacy were still in the Union, though their governments were at that time under the control of people who resisted the Federal constitution. He held, therefore, that these States could resume their former positions as soon as resistance ceased, and their governments had passed into the hands of officers who were loyal to the Union.

347. The Commission to Washington.—Ex-Chief Justice W. L. Sharkey and Hon. William Yerger were appointed by Governor Clark to go to Washington to see the President. The President refused to receive them as commissioners from Mississippi, but received them cordially as private individuals. They represented to him the terrible condition of the country, the desire of the people to be restored to their rights under the constitution, and their intention to abide by the laws of the United States in good faith. This appeared satisfactory to the President, who told them that the people of Mississippi must change their constitution so as to abolish slavery, and then he would recognize their government.

348. Judge Sharkey Appointed Provisional Governor.—The President then selected Judge Sharkey to carry out his plan of reconstruction in Mississippi. It is doubtful whether

a better selection could have been made. He was a Whig in politics and a strong Union man in his sympathies. He had refused to accept a seat in President Fillmore's Cabinet, preferring to remain on the bench. No name lives more gloriously in the annals of Mississippi than that of William L. Sharkey.

He at once issued a proclamation informing the people of his appointment and asking their coöperation in his efforts to carry out the President's wishes. He reappointed by proclamation all who were holding office at the time of the surrender, except such as showed continued signs of disloyalty. Sheriffs were directed to hold an election in each county on the 7th of August for delegates to a State convention. The trustees of the State University were directed to meet at Oxford and reorganize that institution, which had been closed since 1861. The unprecedented amount of lawlessness and crime in the State at this time induced him to organize the militia to detect criminals.

349. Conflicts Between the Military and Civil Authorities. Governor Sharkey's powers were vaguely defined. In some respects he was a United States officer; in others a State officer. It was hard to tell whether he or General Slocum, the military commander of the district, was the real governor. Prisoners were daily taken out of the custody of civil magistrates and tried before military commissions, who disregarded the ancient writ of *habeas corpus* whenever they chose to do so. Nearly every important town was garrisoned by colored troops, who were under little or no discipline, and who plundered and even murdered inoffensive white citizens. The governor appealed to the President to remove these and put white troops in their stead. He stated to the President that there was strong prejudice against colored troops, and that unnecessary conflicts between them and the whites often

resulted. At first the President refused to comply with his request, but in 1866 they were nearly all withdrawn.

350. The Freedmen's Bureau in Mississippi.—In the latter part of the war, lands belonging to many Confederate soldiers were seized as abandoned and leased to freedmen who had flocked to the towns, and who were, to a large extent, in a destitute condition. It thus happened that in 1865 nearly sixty thousand acres of land in Mississippi were held by the Freedmen's Bureau, which had been established by Congress to provide for the freedmen. Several large colonies were established on the Mississippi River. Colonel Samuel L. Thomas, of the Federal army, was commissioner of the bureau in Mississippi. In every town of importance agents were stationed, a majority of whom belonged to the worst class of adventurers. They became political emissaries among the freedmen and did much to disturb the harmony and good feeling which had hitherto existed between the races. Many of the colored people had accompanied their masters to the war, and others had remained at home, protecting the families of their absent masters, and caring for the old plantation with a zeal that was admirable. After they were made free, they were still attached to their former masters, until they were made to believe by the agents of the Freedmen's Bureau that the people among whom they had lived so long were not their friends, and that their best interests lay in their attachment to the strangers from other sections.

351. The Convention of 1865.—The Mississippi Convention, which met in Jackson August 14, 1865, was the first in the Southern States to be held in accordance with the President's plan of reconstruction. It consisted of one hundred delegates, most of whom were old-line Whigs, who had opposed the secession movement in 1860. It was a body of as able and conservative men as had ever met

in the State. Governor Sharkey laid before them a dispatch from the President in which he expressed the confident hope that they would change the old constitution so as to recognize the abolition of slavery. After a long and spirited debate, a resolution was adopted declaring that, as the institution of slavery had been destroyed in Mississippi, neither slavery nor involuntary servitude except in punishment for crime, whereof the party shall have been duly convicted, shall hereafter exist in the State. Thus perished the institution of slavery in Mississippi, killed in the house of its friends.

The Ordinance of Secession was declared null and void, and the other ordinances passed by the convention of 1861 were repealed. All legislative acts that had been passed since January 9, 1861, with two or three exceptions, were ratified and confirmed. An ordinance was adopted, making it the duty of the legislature at the next session to provide by law for the protection and security of the persons and property of freedmen, and to guard them and the State against the evils that might arise from their sudden emancipation. The convention adjourned August 24th, after a session of ten days. With the passage of these acts the people of Mississippi hoped that the State would be restored at once to its former position in the Union.

352. Civil and Political Rights for Freedmen.—The freedom of the negro now being an established fact, it remained to extend to him the civil and political rights incident to that freedom. As the testimony of freedmen was not at that time allowed in the courts, the United States military authorities had adopted the practice of removing all cases in which freedmen were involved from the civil courts to military tribunals under the control of the Freedmen's Bureau. In September, Governor Sharkey, by proclamation, extended to them the right to testify in all cases in

which the rights of freedmen were involved. Shortly afterwards the legislature conferred upon them the right to hold real estate and to sue in the courts. In 1869 they were made jurors by Governor Ames.

353. General Humphreys Elected Governor.—October 2d the general State election occurred. The two leading candidates for governor were Benjamin G. Humphreys, a late brigadier-general in the Confederate army, and Judge Fisher, of the High Court of Errors and Appeals. General Humphreys was elected, chiefly on account of his record as a soldier. Governor Humphreys was born in 1808 and was reared in Claiborne county, Mississippi. He was educated at the Military Academy at West Point. At the beginning of the war he left his plantation, in Sunflower county, and promptly entered the Confederate army in command of a large company of volunteers which he raised. His ability as a military officer led to his promotion from captain to colonel and then to brigadier-general.

On the 1st of November the President restored to the people of the State the privilege of the writ of *habeas corpus*, and shortly afterwards released Governor Clark from prison. By June, 1866, all colored troops had been removed from the State and white soldiers sent to take their places.

In his inaugural address (October 17, 1866) Governor Humphreys declared that he had always insisted that no State could constitutionally secede from the Union. He also declared that the people of Mississippi would accept the results of the war in good faith, and that they were anxious to renew their allegiance to the United States.

354. Higher Institutions of Learning.—As soon as the war was over Governor Humphreys took steps to reorganize the University of Mississippi, which had been closed since the fall of 1861. In October, 1865, work was resumed

with a faculty of five professors, the Rev. John N. Waddel being chairman. The enrollment of the first year was 193, the greater part of which was composed of youths and young men who had served in the Confederate army.

The trustees of Mississippi College had unwisely tried to run that institution in spite of the war. The school was thus involved in a debt of \$7,000, which greatly hindered its work for several years (until 1872). In 1867 President Urner was succeeded by Dr. Walter Hillman.

355. The Legislature of 1865.—The legislature, chosen on October 2d, met at Jackson on October 16th. A great and delicate task was to be performed. It was unfortunate that not one of the able men who sat in the August convention was a member of this legislature. It is difficult to understand the demoralized condition of the State at this time. Thousands of the freedmen were vagrants. Offences, such as stealing and robbing and burning houses, were of daily occurrence. It devolved upon the legislature to secure to the freedmen the political and civil rights to which they were now entitled, and at the same time to restrain them in their bad habits and compel them to fulfill the obligations and responsibilities of the new position to which they had been suddenly raised. The legislature made its first error by refusing to ratify the Fourteenth Amendment after the convention had almost unanimously decreed the abolition of slavery. A stringent law was enacted to regulate the relation of master and apprentice, as it related to freedmen. Another required all freedmen to have employment by the 1st of January. Another prohibited them from renting and leasing land except in incorporated towns and cities. These measures have come down to us under the name of the "Black Code" of 1865. Although they were largely copied from the statutes of the Northern States, the

United States military authorities refused to allow their enforcement, and in the following year they were repealed.

The legislature at this session appropriated twenty thousand dollars for the defence of Jefferson Davis, and appointed two commissioners—Giles M. Hillyer and Robert Lowry—to go to Washington and urge that he be released from imprisonment. Notwithstanding the efforts of the commissioners, Mr. Davis was allowed to languish in a Federal prison until May 14, 1867, when he was released on bail. He was never tried before the courts, his case being finally dismissed without trial. The legislature also set aside twenty per cent of the entire revenues of the State for the support of disabled Confederate soldiers and the widows of deceased soldiers, and elected Governor Sharkey and James L. Alcorn to the United States Senate.

Summary

1. At the conclusion of the War between the States Mississippi was in a desolate condition, but her citizens returned from the war fully determined to accept the situation and to devote their energies to the restoration of peace and the development of the State.

2. Governor Clark called a session of the legislature, which had scarcely assembled in Jackson and appointed a committee to confer with the President, when it was suddenly dissolved because of an order to arrest its members. The arrest and imprisonment of the governor, which followed, left the State without a government of any kind.

3. The President appointed Judge Sharkey provisional governor of Mississippi and promised to recognize the government of the State as soon as its citizens would change their constitution so as to abolish slavery.

4. The military authority not only disregarded the civil law, but stationed colored troops in many important towns. A low class of white men connected with the Freedmen's Bureau caused ill-feeling between the white and the colored people, who had formerly been on good terms.

5. The convention of 1865 recognized the abolition of slavery, declared the ordinance of secession null and void, and elected Senators and representatives to Congress.

6. Although the rights and privileges of the colored people were extended by the governor's proclamation and by acts of the legislature, stringent laws were passed to restrain them from licentiousness and to compel them to fulfill their obligations.

7. The University reopened in the fall of 1865. For several years Mississippi College was greatly hampered by a debt which arose from trying to run the institution during the war.

8. The legislature of 1865 provided for the defence of Jefferson Davis and attempted to get him released from prison.

CHAPTER XXXVI

MILITARY GOVERNMENT IN MISSISSIPPI (1867-1870)

356. The Congressional Plan of Reconstruction.—When Congress met in December, 1865, the Senators and representatives from Mississippi were present, ready to take their seats. The State convention had abolished slavery, the legislature had ratified the Thirteenth Amendment, and legislation had been enacted to adjust society to the new condition of things wrought by the war. As the State had complied with all the requirements of the President's plan of reconstruction, it was confidently hoped and believed that Mississippi would be restored to her proper place in the Union, so that the people might go forward at once with the work of building up their broken fortunes and, if possible, recover their former prosperity. But this was not the case. A serious breach had arisen between the President and Congress, and when Congress assembled the President's reconstruction policy was set aside, and the Senators and representatives from the Southern States were refused their seats. Nothing that the President had done during the recess of Congress in the way of reconstructing

the Southern States was recognized. Congress appointed a joint committee of fifteen to investigate the condition of the Southern States. Few of the native white citizens were asked to give their testimony. Of the score of witnesses called to Washington from Mississippi, not more than two were citizens of the State. In June, 1866, the reconstruction committee made its famous report, the substance of which was that the Southern people had not by their acts shown that they were ready to accept the results of the war in good faith and were not, therefore, entitled to immediate readmission to the Union. Congress was filled with men of strong prejudices, and they accepted the report as if it were true. In February and March, 1867, the infamous reconstruction acts were passed. These measures proceeded on the theory that the Southern States were no longer States in the Union, but conquered provinces, subject to the control of Congress. They were divided into five military districts, each of which was placed under command of a general detailed from the army. He was authorized to call a convention for the purpose of adopting a constitution which, when approved by Congress, should entitle the State to readmission to the Union.

357. The Administration of General Ord.—Soon after the passage of the reconstruction acts, President Johnson assigned Major-General E. O. C. Ord to the command of the fourth military district, embracing what had been the States of Arkansas and Mississippi. He entered upon the discharge of his duties March 26th, with headquarters at Vicksburg. There were few limitations upon his power as commander of the district. He showed no more respect for State laws and judges of the courts than if there had been none. The ancient right of trial by jury was permitted only in certain instances. White offenders were summarily taken out of the hands of the civil magistrates

and dragged before military commissions, and tried in accordance with the strict rules of procedure practiced by courts-martial. The press was to a certain extent muzzled. Colonel McCardle, the editor of a Vicksburg paper, was tried before a military commission and sent to prison for presuming to criticise in strong language the reconstruction acts. When he appealed to the United States Supreme Court, on the ground that he had been denied the right of trial by jury, Congress, fearing that the courts might declare the reconstruction acts unconstitutional, made haste to pass a law depriving the court of jurisdiction in such cases as McCardle's. Civil officers who dared to oppose the reconstruction policy were at once removed from office. Verdicts of juries and judgments of courts were set aside whenever, in the opinion of the commanding general, they were not in accord with the spirit of the reconstruction acts. Such acts of the legislature as failed to secure the approval of the commanding general were not allowed to be enforced.

358. Supplemental Reconstruction Act.—General Ord was also charged with the execution of supplemental reconstruction acts of Congress (passed July 19, 1867), providing for a registration of the voters of the State. No person was qualified to serve as a registrar who had ever borne arms against the United States or in the remotest way given aid or comfort to its enemies. This disqualified nearly all of the native white men. Early in June the registrars began their work of registration. Accompanied by soldiers and clerks, they proceeded from precinct to precinct. No person could be registered as a voter who had ever held an office, no matter how small, and afterwards engaged in war against the United States. Thus the more prominent and influential citizens of the States were disfranchised and allowed to take no part in the work of

reconstruction. Early in September, the work of registration was completed with the following result: white voters, 46,636; colored voters, 60,167.

359. Calling of a Constitutional Convention.—An election was then ordered to determine whether the people wished to have a convention and secure admission to the Union, or whether they preferred to remain under military rule. Those in favor of a convention were successful by a large majority. Delegates to the convention were elected at the same time. This was the first election in Mississippi in which the colored voters took part. Most of the native white citizens refused to have anything to do with the election. In December, General Ord was transferred to the department of the Pacific. He died at Havana of yellow fever in 1883.

360. Administration of General Gillem.—Upon the removal of General Ord, President Johnson placed Brevet Major-General Alvan C. Gillem in command of the fourth military district. General Gillem, though a native Southerner, had cast his lot with the Union upon the outbreak of the war. Since the passage of the reconstruction acts he had been in command of the sub-district of Mississippi. He assumed command of the fourth district January 9, 1868. United States troops were stationed at Vicksburg, Meridian, Holly Springs, Jackson, Natchez, Grenada, Columbus and Corinth. The cotton crop of 1867 had been almost a total failure on account of floods, droughts and worms. As a result, there was wide-spread suffering among the poorer white people and the freedmen. General Gillem's course was more moderate than that of General Ord. He restored to the civil courts jurisdiction in certain cases, showed more consideration for the habits and tastes of the people, and interfered as little as possible with the civil authorities.

361. Black-and-Tan Convention (1868).—The important event of General Gillem's short administration was the session of the constitutional convention. It assembled at Jackson January 6, 1868, in accordance with a military order issued by General Ord. In personnel, it was the most remarkable assemblage ever held in the State. There were one hundred members, seventeen of whom were colored. The majority of the latter had been slaves up to the close of the war and were, of course, without education. The exceptions were the colored preachers, of whom there were about eight. There were nineteen ex-Union soldiers in the convention, three of whom had been brigadier-generals. There were nineteen Democrats and thirty native white Republicans, the latter commonly called "scalawags." The few honest, patriotic men in the convention could accomplish nothing, as the influence of political adventurers dominated that assembly. The delegates had hardly taken their seats when they began a discussion of the amount of money they should receive for their services. It was agreed that the president should receive twenty dollars; members, ten; and a large corps of clerks and reporters, from five to fifteen dollars a day each. A regular chaplain was employed at ten dollars a day. Delegates also voted themselves mileage of forty cents a mile going and coming. Perhaps less than a dozen who voted for these measures were owners of real estate in Mississippi. Congress was memorialized to declare all the civil offices of the State vacant, so that they might be filled with men of "known loyalty," by which, of course, was meant Republicans. Fifteen conservative members drew up a respectful protest against the memorial. The convention refused to allow it to be spread upon the records, and decided by a vote of fifty to nineteen that it be "wrapped in brown paper and returned to the gentleman from Marshall." The con-

vention spent much of its time devising schemes for the support of idle freedmen who refused to work, under the absurd belief that the lands of their former masters would be divided among them. General Gillem, knowing that the reports concerning their destitution were greatly exaggerated, refused to enforce an ordinance of the convention appropriating money for their support. He declared that five hundred men with their families could have secured labor at the office of the Freedmen's Bureau in Vicksburg on any day during the session of the convention, and that he stood ready to furnish free transportation to all laborers in search of employment. Ordinance after ordinance of this kind was passed, all of which the General refused to enforce.

This convention inserted in the constitution which it formed, a clause that would have deprived thousands of the white citizens of Mississippi of the right to vote or hold office. The Democratic members then resigned and returned to their homes, refusing to take further part in the deliberations of an assembly that showed so little consideration for their rights.

After having been in session one hundred and fifteen days the convention adjourned May 18th.* Its probable cost was a quarter of a million dollars, the expenditures for salaries alone being \$116,150. Twenty-eight thousand, five hundred and eighteen dollars and seventy-five cents was voted to four newly established Republican newspapers. It was determined to submit the new constitution to the qualified electors of the State, and a committee of five was appointed to receive and determine the results. An election was held at the same time for congressmen and State officers.

* Read Power's (Colonel J. L.) *Black-and-Tan Convention*, in the *Publications of the Mississippi Historical Society*, Vol. III.

362. Rejection of the Constitution.—The canvass was conducted in a spirited manner. The white people were active in their efforts to defeat the constitution, knowing that if they failed they could scarcely live in comfort under its diabolical provisions. The freedmen were organized into "loyal leagues" and drilled by their white leaders. They were sworn to vote against their late masters who, it was alleged, only wanted an opportunity to put them back into slavery. Be it said to their honor, many negroes voted with the white people against the constitution, and by their help it was rejected. The voting began on June 22d and continued about eight days. The result was a surprise to all parties. July 10th General Gillem announced that 55,231 votes had been cast for the constitution and 63,860 against it; that four of the five members of Congress elected were Democrats; and that Humphreys had defeated Eggleston for governor by a majority of eight thousand. The Radicals, however, secured a small majority in the legislature. As the constitution was rejected, the legislature did not meet to give the party an opportunity to profit by its success.

363. Removal of Governor Humphreys.—On June 4, 1868, General Gillem was succeeded by General Irwin McDowell, who commanded the district until July 4th, when General Gillem was reinstated. McDowell's brief reign was marked by the removal of Governor Humphreys and Attorney-General Hooker, it being alleged that they were an obstacle to the reconstruction acts. Brevet Major-General Adelbert Ames was appointed provisional governor in the place of Governor Humphreys. A military officer was detailed to perform the duties of attorney-general. On February 9th following, the Secretary of State was removed.

General Ames proceeded to Jackson and informed Governor Humphreys of his appointment, and requested that

the executive office be vacated as soon as possible. The governor replied that the attempt to remove him was a usurpation of the civil government of Mississippi, and that he would not surrender the archives until a legally qualified successor was chosen. On the following day a detail of soldiers took possession of the Statehouse and forcibly ejected the governor against his dignified protest. The executive mansion was then taken possession of in a similar way.

364. Removal of General Gillem.—The committee of five (§361) issued a pompous proclamation from its rooms at Jackson, declaring that the election had been carried by fraud. General Gillem denied this and declared that the election was as fair as it was possible for it to be. The Radicals were desperate. They appointed a committee of sixteen to go to Washington and if possible induce President Grant to remove General Gillem, and have Congress set aside the late election and declare the constitution adopted. The President, however, refused to consider such a contemptible scheme for thwarting the will of the people, and recommended that Congress pass an act submitting the constitution to the electors in such a way that the objectionable clauses might be voted on separately, and a new election held for the choice of State officers, members of the legislature and representatives in Congress.

365. The Administration of General Ames as Provisional Governor and District Commander.—Adelbert Ames was appointed as the successor of General Gillem, whom President Grant removed, much to the regret of the good people of the State. General Ames was a native of Maine, a graduate of West Point, and a prominent Union soldier. At the time of his appointment as district commander, he was serving as provisional governor of Mississippi, to which office he had been appointed by General McDowell. He

continued to serve in both capacities, the headquarters of the district being removed to Jackson for his convenience. As military commander and civil governor his powers were almost unlimited. He was made virtual dictator by a joint resolution of Congress (February 16, 1869), which discharged practically all the civil officers in the State and authorized him to fill the vacancies. He removed several State officers, hundreds of county and local officers, and filled more than two thousand vacancies. His proclamations were law throughout the length and breadth of the State. According to his own testimony, he permitted no law to stand in his way. By a general order of April 27th he extended the privilege of sitting on juries to all colored men who were otherwise qualified.

366. Election of 1869.—The election on the constitution and for State officers, members of the legislature, and representatives in Congress was held November 30th and December 1, 1869. The Democrats and conservative Republicans had organized under the name of the National Union Republican party, and nominated for governor Judge Louis Dent of Washington. He was a brother-in-law of the President, had married a Mississippi lady, and had lived several years in Coahoma county, though he could hardly be called a citizen of the State. The regular Republican party nominated a ticket with James L. Alcorn at the head. The regular Democratic party did not nominate a ticket, but decided to support Judge Dent. The President gave his support to the Alcorn ticket, and it was elected by an overwhelming majority. All candidates for Congress on the Dent ticket were likewise defeated. The legislature was overwhelmingly Republican, the first Republican legislature in the history of the State. No county or local officers were chosen at this election. The objectionable

features of the constitution were rejected by a large majority, but the rest of the constitution was adopted.

367. Constitution of 1868.—The constitution as adopted in 1868 made several changes in the fundamental law of the State. It created a public school system and established the office of State superintendent of education. It reestablished the office of lieutenant-governor and extended the terms of State officers to four years. It provided that all judges should be appointed by the governor and confirmed by the senate. The old county probate courts were abolished and a system of chancery courts established. The High Court of Errors and Appeals was changed to the Supreme Court and the terms of its judges were fixed at nine years. The old county boards of police were abolished, and boards of supervisors established instead.

368. Readmission of the State (1870).—It will be remembered that the legislature chosen in 1868 was never assembled, the constitution having been rejected. The legislature chosen in 1869 met in Jackson, January 11, 1870. It ratified the Fourteenth and Fifteenth Amendments and elected United States Senators. One of these, Hiram R. Revels, had come to Mississippi as a chaplain in the Union army. He enjoyed the distinction of being the first colored man to occupy a seat in the Senate of the United States. The other, General Adelbert Ames, was at the time of his election military and civil governor of the State. As the State had met the demands of Congress by adopting a new constitution and by ratifying, through the legislature, the new amendments to the Federal constitution, her representatives were admitted to seats in that body, February 24, 1870.

Summary

1. Congress took the position that the Southern States were conquered territory, subject to its control, and refused to seat

the representatives from Mississippi, who had been chosen in 1865.

2. Under the reconstruction acts (February and March, 1867) Mississippi was made a part of the Fourth Military District, which was placed under the command of General Ord (March 26, 1867). He showed no respect for State laws and judges, and removed from office all civil officers who dared to oppose the reconstruction policy.

3. A supplemental reconstruction act (passed July 19, 1867) disfranchised a large number of the best citizens of the State.

4. The principal event of General Gillem's administration was the session of the "Black-and-Tan Convention," which had been called by a vote of the qualified electors of the State. This convention formed a constitution which would have deprived thousands of the white people of the State of their right to vote or to hold office.

5. The election which followed resulted in a rejection of the constitution, and in the defeat of the regular Republican State ticket.

6. General Gillem was succeeded for a brief time by General McDowell, in whose short reign Governor Humphreys, the newly elected governor, and other State officers were removed.

7. General McDowell was succeeded by General Gillem, and he was in turn succeeded by General Ames, who, as civil and military governor of the State, had absolute control, and filled over two thousand vacancies by his appointments.

8. In 1869 another election was held, which resulted in the choice of James L. Alcorn as governor of the State, and in the adoption of the constitution framed in 1868, without the objectionable clauses.

9. The constitution adopted in 1869 created a public school system, established the office of State superintendent of education, re-established the office of lieutenant-governor, extended the terms of State officials, provided for an appointive judiciary, and made several changes in the judicial system of the State and in the management of county affairs.

10. The legislature of 1870 having ratified the Fourteenth and Fifteenth Amendments, Congress admitted the representatives from Mississippi on February 24, 1870.

EPOCH IX

BACK IN THE UNION

Period I.—Under the Constitution of 1868

CHAPTER XXXVII

THE RESTORATION OF CIVIL GOVERNMENT (1870-1874)

369. The Inauguration of Governor Alcorn.—General Alcorn* took the oath of office as governor of Mississippi on March 10, 1870. In his inaugural address he said: "The military government which I have the happiness to



bow this day out of the State was no more a pleasure to me than it was to any other Mississippian whose blood glows, as mine does, with the instincts of self government.

. . . The Union has brought us back, pardoned children, into its bosom. Erect and free, Mississippi goes forward now to work out her own destiny in a fellowship of States, the peer of the

proudest." He declared that the new colored citizens should receive the protection of the government the same as the white people, and that a large proportion of

* Early in life James L. Alcorn moved to Coahoma county, Mississippi, from Illinois, his native State. He was a slaveholder and a wealthy cotton planter. Before the war he served in the legislature, and was a member of the Secession Convention. He was a Whig in politics and opposed secession, but,

its energies and funds should be expended in educating the poor white and colored children, who had been permitted in the past to grow up like wild flowers.

370. The Legislature of 1870.—The legislature had assembled at Jackson the 11th of January. Dr. F. E. Franklin, a carpet-bagger from New York, was elected speaker of the house. On the 29th of January the legislature adjourned to meet again on the second Tuesday after the readmission of the State to the Union. On the 23d of February, Congress passed an act readmitting the State and



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seating her Senators and representatives. Shortly afterwards (March 8th) the legislature reassembled. It will be remembered that the new constitution made many important changes in the judicial system of the State. Executive and legislative actions were necessary, however, to give effect to these changes.

The chancellors appointed by Governor Alcorn and confirmed by the Senate were, for the most part, native Southern men who had joined the Republican party. The first members of the Supreme Court were Ephraim G. Peyton, Horatio F. Simrall and Jonathan Tarbell. The first two were native Republicans, and the other was from New York. Provision was made for repairing the governor's mansion, the capitol, the lunatic asylum, the

finding that the other members of the convention were determined to pass an ordinance of secession, he cast his vote for it. He served for a few months in the Confederate army, and was promoted to the rank of brigadier-general, but he seems to have had little hope for the success of the Confederate cause, and gave it but a lukewarm support. Upon the passage of the reconstruction acts, he joined the Republican party, and was the

insane asylum, and for establishing a public school system. The governor was authorized to appoint three commissioners to revise, digest, and codify the law. In pursuance of this act, he appointed J. A. P. Campbell, Amos R. Johnston, and Judge Amos Lovering.

The legislature adjourned July 1st, having been in session since the 11th of January, with the exception of about three weeks in February. It was perhaps the longest session of the legislature in the history of the State. Few or no attempts seem to have been made to hasten business. The total expenses of the session amounted to \$241,191, the per diem and mileage alone of members aggregating \$196,296.60. This was nearly three times the cost of the legislative department for the years 1865 and 1866.

371. Local Affairs.—Justices of the peace were for the most part ignorant colored politicians, who knew little of the law or of judicial procedure. It was asserted that in Madison country in 1873 there was not a justice of the peace who could read or write. It was unfortunate that during the administrations of Governors Ames and Alcorn the important office of supervisor was filled in a majority of cases by incompetent men and in many cases by dishonest men. In not a few cases every member of the board was illiterate, their only mark of learning being the ability of the president to sign in a mechanical way the proceedings, which he could not read.

372. Ku Klux Troubles.—The two years of Governor Alcorn's administration were marked by the so-called Ku

recognized leader of the Mississippi Republicans until General Ames disputed that leadership with him. As Governor Alcorn was an old citizen of Mississippi and had a substantial interest in the State, he was able to secure in a measure the confidence of the Democrats as could few of the Northern Republicans. He urged the white people of Mississippi to get control of the State government by joining the Republican party.

Klux troubles. The Ku Klux Klan is said to have been a secret organization in certain communities, the purpose of which was to discipline freedmen who ran away from their labor contracts, who insulted white people, or who took too active a part in politics. Its hideous disguises and mysterious proceedings were well calculated to strike terror into the superstitious race. In most cases the purpose of the Klan was accomplished by a single warning delivered in a pompous manner to the person for whom it was intended, but in some cases whipping and even killing were resorted to. Carpet-baggers as well as freedmen received the attention of this mysterious organization.*

373. The Establishment of the Public School System.—Another class of persons often visited by the Ku Klux were the teachers of public schools. One of the acts of the legislature of 1870 was the establishment of a free school system for the benefit of both white and colored children. Before the war there was no uniform system of public schools, and when such a system was introduced by the carpet-baggers in 1870, the scale on which they started out was very burdensome to the tax-payers, many of whom were in a condition of extreme poverty. Teachers' salaries ranged from fifty dollars per month to one hundred and fifty, the average for 1870 being seventy-four dollars. Expensive school houses were built in many places and equipped with costly furniture. In several of the counties the extravagance of the school officials led to the breaking up of the schools by burning the houses and driving off the teachers. The mass of the intelligent white people were in favor of the public school system, and if the school officials had started this system on a scale more in accord with the tax-paying

* For a vivid picture of this Klan and of the entire Reconstruction period, see Thomas Nelson Page's *Red Rock*.

ability of the people and their actual needs, it is doubtful whether there would have been any opposition.

374. The Legislature of 1871.—On January 3d the legislature reassembled at Jackson. During the recess four of the members had died, among them being the speaker. Henry Warren, from the State of Massachusetts, was elected to the vacancy. The most important measures of this session related to leasing the penitentiary and to the encouragement of railroad building. The State held about two hundred and fifty thousand dollars' worth of stock in several of the railroads of the State. This was now given to the New Orleans, Jackson and Great Northern Railroad company on the agreement of that company to extend its line to Aberdeen by way of Kosciusko. Another act provided that any railroad company which would construct twenty-five miles of railroad and have it in running order by September 1, 1872, should receive from the State four thousand dollars for each mile so constructed. The lessee of the penitentiary was to be paid eighteen thousand dollars per annum to keep the convicts, and one hundred and twenty thousand dollars with which to erect a factory and certain other buildings, which he was to turn over to the State at the expiration of fifteen years. On the 13th of May the legislature adjourned, having been in session nearly eleven months within a period of about a year and a half.

375. Cost of the State Government.—One of the crying evils of the time was excessive legislation. Annual sessions, long drawn out, raised the expenses of the government to enormous proportions. Governor Alcorn, in his message of 1871, condemned the legislature strongly. He said: "The legislative expenses for 1870 present on their face a startling comparison with those of 1861. The mileage of members in 1870 was twenty-nine thousand six hun-

dred and sixty-four dollars, whereas, in 1865 it was but twenty-two thousand one hundred and twenty-eight dollars. The per diem of clerks in 1865 was but five thousand eight hundred and sixty-one dollars; in 1870 it was twenty-eight thousand two hundred and one dollars. The total legislative expenses for 1859 had been only \$26,592. In 1870 they were \$258,400."*

376. The Meridian Riot.—On the 6th of March, 1871, the Meridian riot occurred, in which a number of negroes and a white justice of the peace were killed. A number of stores were burned. The affair grew out of political conditions existing in that town. It was the subject of investigation by the State legislature and by Congress.

377. Governor Alcorn Resigns.—On the 30th of November, 1871, Alcorn resigned the office of governor, to take his seat in the United States Senate as the successor of Senator Revels, who now became president of Alcorn University for colored students. It was widely asserted at the time that the transfer of Governor Alcorn to Washington was a political move by the carpet-baggers to get him out of the State. His colleague in the Senate was General Ames, who was succeeded in 1874 by Henry R. Pease, a Northern Republican. Senator Alcorn was succeeded in 1875 by Blanche K. Bruce, a colored man.

378. Ridgely C. Powers becomes Governor.—Governor Alcorn served scarcely one-half the term for which he was elected, but as the lieutenant-governor was a worthy and honorable gentleman, the governor felt that it would not be a breach of trust to leave the government to him.

* The total cost of the State government for the four years beginning with 1868 was as follows:

1868.....	\$ 525,670 80
1869.....	463,219 71
• 1870.....	1,061,249 90
1871.....	1,729,046 34

Ridgely C. Powers was born in Ohio, and was educated at the University of Michigan and at Union College, New York. He served in the Union army, and at the close of the war settled in Noxubee county, Mississippi, as a cotton planter. He belonged to the better class of Northern men who settled in the State soon after the war. He enjoyed the esteem and confidence of his fellow-citizens, although he was a member of the Republican party.

379. Election of 1871.—In November, 1871, occurred the first general election for all county and local officers since the beginning of reconstruction. It had been the cause of general complaint that, for a period of two years after the readmission of the State to the Union, the people were not permitted to choose their own local officers. As a result, the officers appointed in 1869 by General Ames, while military governor, were still holding over. Many of them were strangers in the communities to which they were sent. All, of course, were Republicans. The election was preceded by an exciting canvass, but no demonstrations of violence were made.

380. Legislature of 1872.—The new legislature met in January, 1872, and continued in session until late in the spring. John R. Lynch, a prominent colored member from Natchez, was elected speaker of the lower house. Governor Powers in his message to the legislature announced that the so-called Ku Klux organizations in certain communities had been suppressed, and that peace prevailed throughout the State. In 1876 Governor Powers removed to Arizona.

381. Higher Education for the Colored Race.—Tougaloo University, seven miles north of Jackson, was founded in 1869 by the American Missionary Association. In 1871 this institution was incorporated by the legislature. It has received aid from both the State and the national govern-

ments. In 1872 the Normal department of this University became a State Normal school. In 1870 the legislature incorporated Shaw University, which had been located at Holly Springs by the Mississippi Conference of the Methodist church. In the same year the Normal department was transferred to the State for use as a State Normal college. Alcorn University, named in honor of Governor Alcorn, was established by the legislature in 1871. This institution of learning was located near Rodney, in Claiborne county, on the site of Oakland College, which the State had bought from the Presbyterian Synod. At the end of the first session (1872) an agricultural department was established in the institution. In 1878 the name of the school was changed to the "Alcorn Agricultural and Mechanical College of the State of Mississippi." It has received liberal aid from the State and national governments.

382. Presidential Election of 1872.—In the election of 1872 General Grant, the nominee of the regular Republican party, carried the State by a majority of 34,887 over Horace Greeley, the nominee of the "Liberal Republican" party. As Mr. Greeley had gone on the bond of Jefferson Davis, his nomination received the endorsement of the Democrats of Mississippi. The result of the election was almost a complete victory for the regular Republican ticket. L. Q. C. Lamar was the only Democrat elected to Congress from the State at that time.

383. Formation of New Counties.—In 1870 the legislature formed Alcorn and Prentiss counties, chiefly from Tishomingo; Benton, out of parts of Marshall and Tippah; Union, out of parts of Tippah and Pontotoc; Grenada, out of parts of Yalobusha and Carroll; and Lincoln, out of parts of Lawrence and Franklin. In the year following Clay county was formed out of parts of Lowndes and Chickasaw; Leflore, out of parts of Sunflower and Carroll;

and Montgomery, out of parts of Carroll and Choctaw. At the next session of the legislature (1873) Tate county was formed out of parts of Tunica, DeSoto and Marshall.*

384. Breach between Ames and Alcorn in the United States Senate.—While serving together in the United States Senate, Ames and Alcorn became avowed enemies. Alcorn declared on the floor of the Senate chamber that Ames did not represent the Republican party of Mississippi; he charged Ames with having taken advantage of his vast power as military governor to secure a seat in the Senate, declared that he was not identified with the State to the extent of even a technical residence, and that he owned no real property in the State, paid no taxes for the support of the government, and was unacquainted with the wants and the conditions of the Southern people. Senator Ames, on the other hand, defended the carpet-baggers, and declared that he had a right as an American citizen to go to Mississippi and to stay there. He taunted Alcorn with having been a secessionist, and yet practically abandoning the cause of secession.

385. Candidates for Governor in 1873.—The increased hostility of the two Senators made each one determined to appeal to the Republican party to endorse his course. Each announced himself as a candidate for governor of Mississippi. Senator Ames received the almost united support of the colored voters and the carpet-baggers. Senator Alcorn was supported by the native white Republicans and by the Democrats, who had no regular ticket in the field, as their State convention had declared it "inexpedient" to make a nomination.

386. Election of the Ames Ticket.—The Democratic party, however, gave but a feeble support to Alcorn, and

* The origin of the names and the location of the seat of government of these counties will be found in the Appendix.

as a consequence the Ames ticket was overwhelmingly elected. With Governor Ames were elected three colored men, Alexander K. Davis, lieutenant-governor; James Hill, secretary of state, and T. W. Cardoza, superintendent of education. Davis and Cardoza were carpet-baggers and dishonest officials, the latter being under several indictments at the time of his election. They were, in a large measure, responsible for the downfall of Governor Ames. The greed of the colored people for office at this time was astonishing. In the State convention that nominated Ames they demanded at least three of the seven State offices, and threatened to disrupt the convention if their demand was not granted.

Summary

1. James L. Alcorn, of Coahoma county, was the first governor of Mississippi after the restoration of the civil government of the State (1870).

2. The legislature of 1870 passed such acts as were necessary to give effect to the changes which had been contemplated by the constitution of 1868; made provisions for repairing several public buildings and for codifying the laws of the State.

3. In the administration of Governor Alcorn the Ku Klux Klan undertook to terrorize unruly negroes and seditious carpet-baggers, and also many teachers of the public schools, which had been made an unreasonable burden to the tax-payers.

4. The legislature of 1871 leased the penitentiary for fifteen years, and made liberal grants for the construction of railroads. The crying evils of the time were excessive legislation and taxation.

5. In November, 1871, Governor Alcorn resigned to enter the United States Senate, and Ridgely C. Powers became governor of the State. In the same month occurred the first general election for all county and local officers since the beginning of reconstruction.

6. At this time special attention was first directed to the higher education of the colored people of the State, the following institutions being incorporated: Tougaloo University (1871), the

State Normal College, at Holly Springs (1870), and Alcorn University, at Rodney (1871)—all of which received State aid.

7. In the presidential election of 1872 the regular Republican ticket carried the State by a large majority, L. Q. C. Lamar being the only Democrat elected to Congress at that time.

8. The following counties were formed at this time: Alcorn, Prentiss, Benton, Union, Grenada and Lincoln, in 1870; Clay, Leflore and Montgomery in 1871; and Tate in 1873.

9. A breach having arisen between Senators Ames and Alcorn, they determined to appeal to the Republican party of Mississippi in a contest for the office of governor of the State. General Ames was elected.

CHAPTER XXXVIII

CARPET-BAG GOVERNMENT IN MISSISSIPPI* (1874-1876)

387. The Inauguration of Governor Ames.—Governor Ames was inaugurated January 22, 1874. In his address he solemnly promised the people of the State that they should have an administration marked by economy and reform.

388. The Legislature.—The legislature elected with Ames was overwhelmingly Republican. There were sixty-four colored members in the two houses, some of whom could neither read nor write and were able to sign the legislative pay rolls only by means of marks. About twenty-five members were Northern men who had settled in the State after the close of the war. A colored man named Shadd, from Adams county, was elected speaker of the house.

* In addition to the references given at the beginning of Chapter XXXV. the student will find the following books helpful in this connection: Appleton's *Annual Cyclopedia* for 1874-'75 and '76; Lynch's *Kemper County Vindicated*; Well's *Chisholm Massacre*; Morgan's *Yazoo, or the Picket Line of Freedom*; Nordhoff's *Cotton States in 1876*; Andrew's *History of the United States During the Last Quarter of a Century*; Cox's *Three Decades*; Herbert's *Why the Solid South*.

389. State Finances.—Shortly after the organization of the legislature, Governor Ames sent in a special message on the subject of the State finances, in which he called attention to the fact that the taxes were higher than they had ever been at any other time in the history of the State, having increased from one mill on the dollar, in 1869, to fourteen mills in 1874. The credit of the State was greatly impaired, the annual expenditures exceeded by one-fifth the receipts. State warrants were hawked about the streets of the capital and sold at a discount of from twenty to forty per cent. The governor made a number of wholesome recommendations which, of course, the legislature did not follow. He suggested that appropriations might well be cut down twenty-five per cent. He declared with truth that there were opportunities for economy in every branch of the government; that fifty thousand dollars alone could be saved in the cost of the courts without impairing their efficiency. He asserted that the expenditures for the support of the University and public schools were unnecessarily large. The annual sessions of the legislature, he said, were long drawn out, the average cost for a sixty days' session being one hundred thousand dollars.*

390. The Abuse of the Pardoning Power.—After the adjournment of the legislature, Governor Ames went North to spend his vacation. The colored lieutenant-governor took charge, and proceeded at once to grant pardons to his friends who were confined in prison, or who were under

* The rates of taxation for State purposes from 1869 to 1878 were as follows:

1869.....	1 mill.	1874.....	14 mills.
1870.....	5 mills.	1875.....	9½ mills.
1871.....	4 mills.	1876.....	6½ mills.
1872.....	8½ mills.	1877.....	6½ mills.
1873.....	12½ mills.	1878	3½ mills.

indictment and likely to be sent there.* It was proved to the satisfaction of the legislature in 1876 that he accepted a bribe of eight hundred dollars for pardoning a criminal sent to the penitentiary from Lowndes county. For this he was impeached and removed from office.

391. Governor Ames and the Judiciary.—One of the chief charges against Governor Ames was his course in regard to the judiciary. Instead of appointing the judges while the legislature was in session, in order that his nominations might be confirmed by the senate, as required by the constitution, he waited until its adjournment and then commissioned the new judges, with the purpose, it is charged, of controlling them by removing such as failed to render judgment in accordance with his views. He was also charged with appointing incompetent men to judicial positions. The bar of the State was almost wholly Democratic, so that the governor found it next to impossible to procure Republicans who were sufficiently learned in the law to fill high judicial positions. As a consequence some of his chancellors were ignorant of both law and practice, some had never been members of the bar, while others, though possessing license to practice, had no standing at the bar.

392. The Vicksburg Troubles.—In the first year of Governor Ames' administration troubles arose in Warren county which ended in the Vicksburg riot. This unfortu-

* The following is the record of Governor Ames and Acting-Governor Davis for the first year of the administration:

	AMES.	DAVIS.
Out of the penitentiary.....	18	32
Out of the county jails.....	9	4
Pardoned before trial	0	17
Remissions of forfeiture	4	6
Commutations	5	6
Total	36	65

nate affair grew out of the bad political conditions of the country. There is good reason to believe that Warren county, and especially Vicksburg, in 1874, had a local government as incompetent and corrupt as ever afflicted an Anglo-Saxon community. The county officers were all black, with the exception of one member of the board of supervisors. Few of them could read or write. Four of the eight councilmen of Vicksburg were illiterate freed-men; in fact, there were but three white officers in the county. The county and city debts, which in 1869 amounted to \$13,000, had increased until the city debt alone amounted to \$1,400,000. The white people organized a tax-payers' league to carry the city election. The Republicans nominated for mayor a white man who was under indictment for twenty-three offences, and for aldermen, seven negroes and one white bar-keeper. The better class of white Republicans and a few colored voters supported the Democratic ticket. Great excitement preceded the election. White and colored militia companies paraded the streets, each trying to intimidate the other. The lieutenant-governor, during the absence of Governor Ames, appealed in vain to the President for troops. The Governor upon his return renewed the application, but the President declined to send troops. The reform ticket was elected (August 4th).

Having overthrown the city ring, the tax-payers turned their attention to county affairs, the chief grievance being excessive taxes. They petitioned the board of supervisors to require a new bond of the colored sheriff of the county, whose old bond was not sufficient, having the signatures of men who were not worth one-tenth of the amounts set opposite their names. The board refused to consider the petition, and the sheriff announced publicly that he would give no further bond. In

November a mixed grand jury found seven indictments against the ex-circuit clerk for embezzlement, and five against the chancery clerk, and two against the colored circuit clerk for forgery. The Republican district-attorney declared that if the grand jury had thought necessary, it could have found fifty against the chancery clerk, and one hundred against the circuit clerk and his predecessor. After the indictments were found, the papers that would have led to his conviction were stolen. In this situation a tax-payers' meeting was held, and the resignation of several of the county officers was demanded. The sheriff refused to resign, whereupon the convention proceeded to the courthouse and forced him to do so. He fled to Jackson to consult with the governor, who informed him that his resignation was illegal. The colored sheriff returned to Vicksburg and had a hand-bill printed and circulated throughout the county calling upon all Republicans to support him and fight the case on its merits. The paper was read in the colored churches of the county the following Sunday. Great excitement soon prevailed and martial law was declared. Two conflicts followed, which resulted in the death of twenty-nine negroes and several white men. Governor Ames hastily called an extra session of the legislature, which met in December, 1874. It passed a joint resolution appealing to the President to send troops to Vicksburg. Another sheriff was elected, but the United States troops turned him out of the office and reinstated the former sheriff.

393. Tax-Payers' Convention.—The State taxation had become so burdensome that a convention of tax-payers was held in the house of representatives at Jackson on January 4, 1875. It was presided over by General W. S. Featherston, and was composed of the property owners of the State, without regard to party. They prepared an able

address to the legislature, in which they pointed out the wastefulness and extravagance of the State government, compared the cost of administering the government before and after the war, and urged the adoption of a policy of economy. The legislature, however, frittered away its time trying to devise schemes, many of which had in view the personal enrichment of its members. Tax-payers' leagues were organized in every part of Mississippi, and were composed of the best men in the State.

394. Racial Disturbances in 1875.—The second year of Governor Ames' administration was marked by several other conflicts between the white people and the negroes, which were called "riots" by the newspapers of the time. One of these took place at Yazoo City (September 1st). It was caused by the influence of a notorious carpet-bagger of Yazoo City, who had settled there in 1867 and married a colored woman.

Another conflict, which resulted in the death of six negroes and two white people, occurred at Friar's Point, in Coahoma county (October 9th). A third conflict of a similar nature occurred at Rolling Fork, Issaquena county, in December.

395. The Clinton Riot.—The most important of the riots of 1875, and the last race conflict of any importance in Mississippi, was that which took place at the town of Clinton, in Hinds county (September 4th). It appears that a joint discussion was going on between a Republican and a Democratic speaker on the occasion of a barbecue. The Democratic speaker had concluded his address, and the Republican speaker had mounted the platform, when suddenly a tremendous firing commenced, and the negroes began to run. The Republicans charged that it was started by several young white men; the Democrats, on the other hand, charged that it was begun by the freedmen. In the fight

that followed several white men and three negroes were killed. The news spread rapidly, and the county was soon wild with excitement. Special trains with companies of armed men came from Jackson, Vicksburg, Bolton, and other places to aid the white people, for it was believed that there was to be a general massacre. For several days a reign of terror existed in the community. About twenty or thirty freedmen suspected of being connected with the riot were killed. Others abandoned their homes and went to Jackson and camped around the United States courthouse.

The Governor issued a proclamation reciting that white organizations had overthrown civil government in certain sections and that members of such organizations were commanded to disband forthwith. He then called upon the President for United States troops, asserting that "domestic violence in its most aggravated form" existed in certain parts of the State. General George, chairman of the Democratic State Executive Committee, telegraphed to Washington that peace prevailed throughout the State, and the employment of United States troops would only increase the distrust of the people in the good faith of the present State government. The President refused to comply with the governor's request, and told him that he must first exhaust his own resources.

396. Organization of the Militia.—Having failed to get the United States troops, the governor proceeded to organize the colored people of the State into militia companies, and to put the State on a war footing. The Republican legislature authorized him to purchase a number of Gatling guns and appropriated \$60,000 for this purpose. The governor professed to believe that only colored troops would obey his commands, and therefore white men were not encouraged to enlist. The course of the governor, in send

ing several wagon loads of arms from Jackson to Edwards under the command of a courageous and dangerous negro, came near causing a conflict between the militia and the citizens. The whites openly declared that it was the purpose of the governor to provoke a conflict. What would doubtless have resulted in a bloody conflict between the white people and the negroes, and perhaps in the overthrow of the State government, was avoided by a peace agreement between Governor Ames and General George. The governor agreed to disband the militia upon receiving an assurance from General George and other leading citizens that they would use their influence to maintain peace and secure a fair election.

397. The Election of 1875.—In the meantime a political campaign was in progress. It was the most exciting and most momentous within the history of the State. Members of Congress, members of the legislature, a State treasurer, and all county and local officers were to be elected. For the first time since 1868, the Democrats were strongly united. It will be remembered that with the exception of the feeble attempt to elect Judge Dent governor in 1869, they had made no effort to carry an election since the beginning of reconstruction. They now made a desperate effort to put an end to the corrupt rule of the carpet-bagger. Although there was a Republican majority of 30,000 to be overcome, they hoped to get the support of many Republicans in the State who were dissatisfied with the course of Governor Ames, and especially with the high taxes which his government had imposed.

On August 3d the Democratic State convention met at Jackson and was addressed by L. Q. C. Lamar, the idol of his party, who had just gained a national reputation by his splendid eulogy on Charles Sumner, delivered in the lower house of Congress a year previously. J. Z. George was

chosen chairman of the State executive committee and under his leadership the battle was fought and won. The campaign was one of vigor and enthusiasm. "Mississippi demands," said the *Macon Beacon*, "that every man shall do his duty in the campaign." The Republicans were equally as active and alert. They organized the colored voters into clubs, instructed them how to register, how to approach the polls, and how to vote. They were told that if the Democrats succeeded the negroes would again be made slaves, the public school system would be destroyed, and they would lose their civil and political rights. This was the most effective argument of the white Republicans, but it was not successful. The Democrats promised the colored voters that none of their rights should be interfered with, that the public schools should be kept up, and that the rate of taxes should be reduced. They organized clubs, had parades, barbecues, torch light processions with brass bands and banners, and fired guns and cannons in the neighborhood of political meetings, while speakers, such as Lamar and Wiley P. Harris, went throughout the State addressing immense meetings here and there, and urging the Democrats to be vigilant and active. It soon became evident to the Republicans that their prospects for victory were diminishing.

The election took place November 2d, and with the exception of a few disturbances passed off quietly. In many instances the negroes did not go to the polls; in others, they voted with the white people.

The result of the election was an overwhelming victory for the Democrats, who carried the State by a majority of over 30,000, and elected all the members of Congress except two. They also elected the State treasurer and a majority of both houses of the legislature. Sixty-two of the seventy-four counties of the State elected Democratic

officials. This put an end to the rule of the carpet-bagger in Mississippi and marked the beginning of a new era in the history of the State. The result was an occasion of great rejoicing. To J. Z. George and L. Q. C. Lamar more than to any other men were the white people of Mississippi indebted for their political emancipation. Both of them were promptly rewarded for their valuable services, Mr. George becoming chief justice of the State and Mr. Lamar being elected to the United States Senate.

398. Impeachment of State Officials.—The legislature chosen in November met at Jackson January 4, 1876. It



W. J. Featherston.

was composed of thirty-seven senators and one hundred and sixteen representatives. There were but twenty-one colored members in this body. Politically all the members were Democratic except about thirty. In his message Governor Ames declared that the legislature had been elected by fraud and violence, and that it was therefore an illegal body. The legislature was highly offended and re-

turned his communication. It had been the general understanding that in the event of Democratic success at the polls in November, Governor Ames and several other State officers would be impeached and removed from office. When the results of the election were known, editor Barksdale of the *Clarion* boldly advocated the impeachment of the

State officers. Soon after the reading of the governor's message General Featherston, a representative from Holly Springs, offered a resolution for the appointment of a committee to learn whether there were good grounds for the impeachment of the governor.

A thorough investigation was made, extending through a period of thirty-eight days. Forty-five witnesses were examined and five volumes of testimony taken. February 22d the committee reported resolutions in favor of impeachment and removal of the governor for official misconduct on eleven separate and distinct charges. Twenty-three articles of impeachment were exhibited by the managers. In the meantime the lieutenant-governor and the superintendent of education were being disposed of. On the 13th of March Lieutenant-Governor Davis denied the five articles of impeachment against him, was tried before the senate, convicted, and removed from office. A number of Republicans, white and colored, voted against him. Cardoza, the superintendent of education, was charged with official malfeasance in twelve instances. While the impeachment was impending he asked permission to resign and have the proceedings dismissed. His request was granted, and on the 22d of February his resignation was accepted by an almost unanimous vote. On March 16th the trial of Governor Ames began before the senate sitting as a high court of impeachment. He had eminent counsel from New York city and Washington, and was given five days to answer the articles of impeachment, twenty-one in number. On March 22d his answer and plea were filed. One week later he expressed a desire to resign should the articles of impeachment be dismissed. The house at once adopted a resolution dismissing the articles of impeachment, and on the same day he resigned his office and left the State. Governor Ames was a man

of education and refinement, but unsuited for the office he held, since he was a stranger to the people of Mississippi, had little respect for their habits and convictions, and was unacquainted with their needs and conditions. His early surroundings, his education, and his connection with the war gave him a strong bias, if not a prejudice, against the Southern white people. He had exaggerated notions of the rights of the colored race and an over-confidence in their ability to govern themselves. His want of confidence in the white people and his strong political prejudices were the source of much of his unpopularity.

399. The Revolution Completed.—The legislature completed the revolution by abolishing many offices and agencies that were useless. The salary of the commissioner of immigration was reduced from two thousand dollars per year to one hundred dollars; the special officers to look up shortages among county treasurers and tax-collectors were legislated out of office; the office of cotton weigher, the office of postmaster of the legislature, about ten chancellors and several circuit judges were also abolished. The pay of the militia when in actual service was fixed at five cents per day. The enormous fees of the public printer were cut down; the number of employees about the legislature was largely reduced; the daily pay of trustees of all State institutions was abolished; payment for printing the proceedings of the legislature in the daily newspapers was forbidden; county officers from henceforth were required to furnish their own stationery; a large reduction was made in the appropriation for the support of all State institutions, and the State tax was reduced from nine and one-fourth mills on the dollar to six and one-half.

Many other sweeping reforms were carried out in every department by this legislature, all of which bear the earmarks of a revolution. Great corruption existed in the State

government, and the most searching investigation was carried on in every department. It was, on the whole, one of the most important sessions of the legislature in the history of the State. Most of its reforms were wholesome and wise; certainly they were economical, and had the effect of restoring the confidence of the people in the government, as was shown by the rapid rise in the price of the State securities. Warrants which were selling at seventy-three cents on the dollar in January, 1875, rose to ninety-nine cents before the end of the year 1876. The retirement of Chief-



M. P. LOWREY

Justice Peyton and Justice Tarbell from the supreme court and the appointment of Campbell and Chalmers as their successors, and the return of a solid Democratic delegation to Congress in November, 1876, completed the revolution.

400. Carpet - Baggers Leave the State.—After the overthrow of the Republicans in 1875, most of the Northern

men who had come to the State since the close of the war left it and have never returned. A few of them were men of good character, but coming to the State in a time of strong passions and prejudices, and allying themselves with the colored people in order to get their political support, they failed to secure the confidence and esteem of the white people among whom they came. Many of them were, on the other hand, destitute of principle and sought only

the spoils of office, regardless of the results. A majority of the carpet-baggers who survive live in the Western States.

401. Blue Mountain Female College.—In 1869 General M. P. Lowrey, who had served so faithfully in the War between the States, began a work no less valuable to Mississippi. In that year he founded the Blue Mountain Female College. Four years later (1873) this institution opened its doors for the instruction of the young women of the State. In 1877 it was granted a charter by the legislature.

Summary

1. Governor Ames was inaugurated in January, 1874. The legislature which convened at that time was overwhelmingly Republican.

2. In a special message he called attention to the extravagance of former legislatures, which had increased the rate of taxation for State purposes from one mill on the dollar in 1869 to fourteen in 1874, and recommended the reduction of expenses.

3. In Governor Ames' administration a large number of criminals were pardoned by him and by the lieutenant-governor.

4. Governor Ames was charged with gaining improper control over the judiciary of the State through his appointing power.

5. Through the influence of carpet-baggers and ambitious negro leaders several race conflicts arose (in 1874 and 1875), the principal ones being at Vicksburg, Yazoo City, Friars' Point, Rolling Fork and Clinton.

6. A convention of tax-payers assembled at Jackson in January, 1875, and prepared an address to the legislature setting forth their grievances. As this action was ignored by the legislature, tax-payers' leagues were organized in every part of the State.

7. Owing to the efforts of such leaders as L. Q. C. Lamar, the election of 1875 was an overwhelming Democratic victory.

8. Articles of impeachment were prepared against the governor, the lieutenant-governor and the superintendent of education, the first and third of whom resigned, and the second was tried, convicted and removed from office.

9. The legislature then abolished several useless offices and reduced salaries, and the carpet-baggers left the State.

CHAPTER XXXIX

THE DAWN OF A NEW ERA

402. Administrations of Governor Stone (1876-1882).—

Upon the resignation of Governor Ames and the removal



JOHN M. STONE

of Lieutenant-Governor Davis, Colonel John M. Stone succeeded to the office of governor. He was born in Tennessee, but had lived for several years in Tishomingo county, Mississippi. Valiant service in the Army of Northern Virginia had led to his promotion from captain of a company to colonel of his regiment—the Second Mississippi. He was

elected to the State senate in 1869, and again in 1873. In January, 1876, he was made president *pro tem.* of the senate, and under the constitution became governor upon the overthrow of the carpet-bag rule. He came into the office of governor at a most critical period in the history of the State, but he discharged his difficult duties with such ability that at the next regular election he was made governor by vote of the people.* In his inaugural address (January,

* The following State officers were elected at the same time: W. H. Sims, lieutenant-governor; Kinloch Falconer, secretary of state; Sylvester Gwin, auditor; W. L. Hemmingway, treasurer; T. C. Catchings, attorney-general; J. A. Smith, superintendent of public education.

1878,) he said: "No problem in politics was ever allotted to any people more difficult than that which the State of Mississippi, in common with her sister States of the South, is now called upon to solve. . . . Upon one point all good men will agree—there must be absolute and perfect protection to life, liberty and property. The government that fails to give this is unworthy of the name. The humblest citizen of the State, no matter how poor or how ignorant, must feel that over his head the law throws its mantle, and that he who dares to wrong him will feel the vengeance of the law's ministers. There must be no toleration of wrong and injuries inflicted upon those who are too weak to defend themselves. It was for the defense of the weak that governments were organized and laws enacted."

403. State Finances.—In less than a year after the carpet-bag government had been overthrown the warrants of the State had risen from seventy-five or eighty cents on the dollar to their par value. In 1876 the legislative and executive expenses of the State government were \$21,376.18 less than they had been the year before. Although the State debt was greatly reduced in 1876, the rate of taxation for State purposes was about one-third less in that year than in the year before. By the end of Governor Stone's full term (1882) the State treasury contained more than enough money to pay the total indebtedness of the State.

404. Judicial Changes.—In 1876 Governor Stone appointed J. A. P. Campbell* to succeed Jonathan Tarbell on

*Judge Campbell was born in South Carolina and came to Mississippi in early life. He served in the legislature before the war and was chosen speaker of the House of Representatives in 1859. In 1861 he was made delegate to the Montgomery Convention, and thus became a member of the provisional congress of the Confederacy. He afterwards entered the Confederate army, and became lieutenant-colonel of the Fortieth Mississippi Regiment. After the war he served as circuit judge of his judicial district.

the supreme bench. In the same year H. H. Chalmers was appointed to succeed E. G. Peyton. In 1879 James Z. George succeeded H. F. Simrall on the supreme bench and became chief-justice. In 1881 Governor Stone appointed Timothy E. Cooper to succeed James Z. George, who resigned to enter the United States Senate as the successor of B. K. Bruce. These appointees of Governor Stone were noted no less for their high sense of honor and justice than for their profound knowledge of the law. The judges of



MISSISSIPPI AGRICULTURAL AND MECHANICAL COLLEGE

the inferior courts, who were appointed by Governor Stone, were also men of ability and integrity, and reflected great credit on the executive who appointed them as well as upon the people whom they served.

405. Yellow Fever Epidemic.—In 1878 the State was visited by a very disastrous epidemic of yellow fever. The disease first appeared in the State at Grenada, and before the people of that place had suspected that this terrible malady was in their midst the infection had well-nigh spread throughout the town. Most of the towns of the State adopted strict quarantine regulations, but the citizens of

Holly Springs generously received into their midst the refugees from other places where the disease had made its appearance. As a result the disease soon appeared in this place, causing the death of many of its most useful people. Among these were Major Kinloch Falconer, secretary of state, who at the outbreak of the fever at that place left his official duties at the capital and returned to his home in order to relieve the sufferings of his people, and Colonel

H. W. Walter, a prominent lawyer of the place, and his three sons. All of them displayed great heroism at this time.



STEPHEN D. LEE

406. Agricultural and Mechanical College.—In 1871 the fund contributed to the State by the Federal government for the purpose of establishing an agricultural and mechanical college was divided between an agricultural department in

the University of Mississippi and the Alcorn University. The agricultural department in the University of Mississippi did not prosper, and in response to the demand of the people of the State, the legislature established (1878) the Mississippi Agricultural and Mechanical College. This institution was located near Starkville. Under the very successful administration of General Stephen D. Lee, its first president (1880-1899), this institution soon gained high rank among the agricultural and mechanical colleges of the United States.*

* See Mayes' *History of Education in Mississippi*, Chapter XI.; also, White's *Establishment and Location of the Mississippi Agri-*

407. Creation of New Counties.—In 1876 Sharkey county was formed out of parts of Washington, Warren and Issaquena counties, and in the year following Quitman county was formed out of parts of Coahoma, Tallahatchie and Panola counties.

408. Representatives in Congress.—According to the census of 1880 the State had a population of 1,131,597, and was entitled to seven representatives in the lower house of Congress.*

409. Administration of Governor Lowry (1882-1890).—In 1881 Brigadier-General Robert Lowry,† the Democratic



ROBERT LOWRY

nominee for governor, was elected over Benjamin King, the nominee of the Greenback party. He was born in South Carolina, and after spending part of his life in Tennessee, removed with his father to Tishomingo county, Mississippi. He afterwards lived with his uncle at Raleigh in Smith county. He enlisted as a private at the outbreak of the War between the

States and soon became major and then colonel of his regiment—the Sixth Mississippi. In 1864 he was promoted to the rank of brigadier-general, which office he held until the end of the war.

cultural and Mechanical College, in Publications of the Mississippi Historical Society, Vol. III.

*For a list of the senators and representatives in Congress, see Appendix.

† The following officers were also elected on the ticket with

Governor Lowry's first term of office was so satisfactory to the people of the State that he was nominated by acclamation (1885) to succeed himself, and was reëlected without opposition, there being no opposing candidate in the field.*

410. Railway Commission.—For several years the railway service had not been satisfactory to the people of Mississippi. The legislature therefore passed an act, regulating freight and passenger rates, and creating a railway commission with authority to require the roads to discharge their duties to the public.

411. Overflow of the Mississippi River.—In 1882 the great Delta region of Mississippi suffered from one of the most disastrous overflows in the history of the State. Millions of dollars' worth of property was destroyed and many lives were lost. The legislature appropriated \$15,000 for the relief of the sufferers. This amount was greatly increased by private subscriptions from different parts of the Union.

412. Admission of Young Women to the University.—In response to a recommendation made by the State Teachers' Association and to a rapidly growing sentiment in favor of higher educational advantages for the women of the State, the trustees of the University of Mississippi opened the doors of that institution to women (June, 1883). In the following session twenty-three young ladies were enrolled. This served to direct the attention of the public to the importance of establishing a State school for the education of women.

Governor Lowry: G. D. Shands, lieutenant-governor; H. C. Myers, secretary of state; W. L. Hemingway, treasurer; T. C. Catchings, attorney-general; J. A. Smith, superintendent of public education.

* The following State officers were elected on the same ticket: G. D. Shands, lieutenant-governor; George M. Govan, secretary of state; W. L. Hemingway, treasurer; W. W. Stone, auditor; T. Marshall Miller, attorney-general; and J. R. Preston, superintendent of public education.

413. Industrial Institute and College.*—As early as 1856 Miss Sallie Eola Reneau of Grenada had advocated the establishment of a State institution for girls. Through her efforts two bills establishing such a school were passed by the legislature, but neither of them provided for the necessary appropriations. Miss Reneau made an unsuccessful effort to secure a gift of land from Congress for the support of a great university in Mississippi for women. During a period of more than twenty-five years she labored faithfully for the success of her cherished purpose. She



INDUSTRIAL INSTITUTE AND COLLEGE.

finally gave it up as a hopeless undertaking and removed to Tennessee, where she died before the great desire of her life was realized.

The cause found a worthy advocate in Mrs. Annie C. Peyton of Copiah county, who published numerous newspaper articles on the subject over the title, "A Mississippi Woman." She was ably assisted by Mrs. John G. Hast-

* See Mayes' *History of Education in Mississippi*, Chapter XII.

ings of Claiborne county, and by Dr. G. S. Roudebush of the Agricultural and Mechanical College. The papers of the State also turned their attention to the subject. Finally the legislature passed a bill (1884) by a majority of only one in the senate, incorporating the Mississippi Industrial Institute. This school was located at Columbus. Under the wise direction of Professor R. W. Jones, its first president, the school gained at once the confidence of the people of the State, 341 students being enrolled the first session. This was the first institution in the United States to be established for the industrial education of young women.

414. Last Visit of Jefferson Davis to Jackson.—In response to an invitation from the legislature Jefferson Davis made his last visit to Jackson in March, 1884. No man has ever received a more hearty and enthusiastic welcome to the capital of the State than that extended to the aged and highly honored ex-President of the Confederacy. Accompanied by the governor and the justices of the supreme court, he entered the representatives' hall, where the legislature had assembled in joint session to receive him.

He made a brief address expressing his deep interest in everything affecting the welfare and honor of the State and the happiness of its people. He expressed his strong attachment to the State in the following words:

"Sectional hate . . . cannot deprive me of that privilege which is nearest and dearest to my heart—the right to be a Mississippian; and it is with great gratification that I receive this emphatic recognition of that right by the representatives of our people.

"Reared on the soil of Mississippi, the ambition of my boyhood was to do something that should redound to the honor and welfare of the State. The weight of many years admonishes me that my day for actual service has passed, yet the desire remains undiminished to see the people of

Mississippi prosperous and happy; her fame not unlike that in the past, but growing gradually brighter and wider as years roll away."

415. L. Q. C. Lamar.—In 1885 L. Q. C. Lamar* entered President Cleveland's cabinet as Secretary of the Interior,



L. Q. C. Lamar

being succeeded in the senate by General E. C. Walthall. For more than a quarter of a century Mr. Lamar had been prominently identified with the political history of the State, having been for three years (1873-1876) the only Democratic member of the lower house of Congress from Mississippi. In 1876 he was elected to the United States Senate to succeed James L. Alcorn, and filled this position

with great distinction for several years (1876-1885). He held his seat in the cabinet until he became a member of the Supreme Court of the United States (1888), which exalted position he filled until his death (1893).

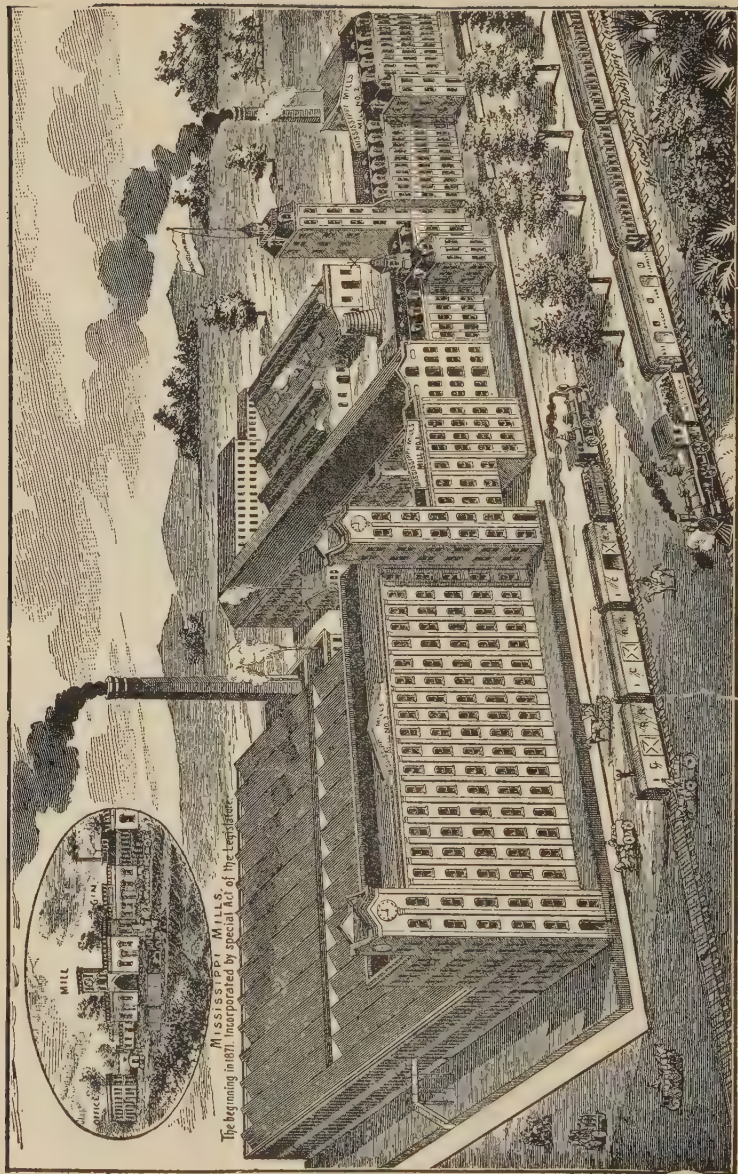
* He was born in Georgia in 1825, and educated at Emory College. For a period of six years (1850-'52, 1866-'70) he was a member of the faculty of the University of Mississippi. Before the outbreak of the War between the States he had served in the State legislature (1853) and in the lower house of Congress (1856-1861); he resigned the latter position to become a candidate for the secession convention. He entered the Confederate army as lieutenant-colonel. His health failing, President Davis made him Confederate envoy to Russia. For a full account of his life see Mayes' *Lucius Q. C. Lamar; His Life, Times and Speeches*.

416. Legislative Act of 1886.—The session of the legislature of 1886 enacted a law which greatly improved the public school system of the State and increased its power for good. A local option law was also passed, which authorized each county to determine by a vote of its citizens whether or not the sale of intoxicating liquors as a beverage should be permitted.

417. Judicial Changes.—Judge H. H. Chalmers, who had served nine years on the supreme bench of the State, died at Jackson in 1885. Governor Lowry appointed Judge James M. Arnold to take his place. Judge Arnold resigned in 1889, and was succeeded by Judge Thomas H. Woods of Meridian.

418. Death of Jefferson Davis.—In December, 1889, Jefferson Davis died at New Orleans. Numerous ceremonies, held in honor of the dead warrior and statesman in the towns and cities throughout the South, gave unmistakable evidence of the high esteem in which he was held. Officers, private citizens and military organizations from all parts of the South attended his funeral at New Orleans. Every Southern State sought the honor of providing a place for his final burial. It was finally decided that the honor should be bestowed upon the State of Virginia, and that he should be buried in the capital of the Confederacy, which had been the scene of his faithful services in behalf of the "Lost Cause."

419. Progress of the Public Schools.—When the carpet-bag government was overthrown in 1876, the public school system was left undisturbed, "except in the way of some economic reforms." It grew in favor with the people year after year. The report made by Superintendent J. R. Preston to the legislature of 1890 gave evidence of extraordinary improvements during the two school years that had just preceded. It showed that there had been a very satis-



factory increase in the enrollment and average daily attendance of students, in the establishment of schools and the building of schoolhouses, and in the number of teachers that had stood examination for first grade license. In this brief period of two years nearly two thousand monthly institutes for teachers had been held; the State Teachers' Association had been revived, and three district associations organized.

420. Industrial Development.—The industrial development of Mississippi had been no less remarkable than its educational progress. At the United States Centennial Exhibition, at Philadelphia (1876), the Mississippi Mills at Wesson,* and the Whitfield Manufacturing Company at Corinth, received first honors on several classes of their goods. Although little effort was made to prepare exhibits for the Louisville Exhibition (1883) premiums were taken that amounted to over \$3,000. At the World's Industrial and Cotton Centennial Exposition at New Orleans (1884-1885) the Mississippi exhibits were generally considered superior to any other in the Government Building. Between 1882 and 1890 more miles of railroad were built in the State than had been built in the fifty years preceding. In the decade between 1880 and 1890 the population of the State increased from 1,131,597 to 1,289,600—an increase of 13.96 per cent.

* This celebrated manufacturing establishment was first built (1865) by Colonel J. M. Wesson, in what was then a dense pine forest in Copiah county. The place was named Wesson in honor of its founder. It has since grown into a prosperous city. The first factory was destroyed by fire (1873), but was promptly rebuilt on a larger scale. The products of its looms are shipped to every part of the United States and to foreign countries.

Summary

1. Colonel John M. Stone became governor of the State when the carpet-bag government was overthrown in 1876. He was made governor by vote of the people at the next regular election in 1877.

2. In Governor Stone's first administration (1876-1878), (1) public confidence was restored; (2) taxes were reduced; (3) many wholesome changes were made in the judiciary; (4) Sharkey and Quitman counties were organized; (5) L. Q. C. Lamar was elected United States senator to succeed James L. Alcorn.

3. In Governor Stone's second administration (1878-1882), (1) the State was visited by a disastrous yellow fever epidemic; (2) the Agricultural and Mechanical College was established; (3) the representation of the State in the lower house of Congress was increased to seven members; (4) Timothy E. Cooper was appointed on the supreme bench to succeed James Z. George, who had resigned to enter the United States Senate as the successor of B. K. Bruce.

4. In Governor Lowry's first administration (1882-1886), (1) a railway commission was created; (2) the Delta region suffered from an overflow of the Mississippi; (3) the State University opened its doors to women; (4) the Industrial Institute and College was established; (5) Jefferson Davis visited Jackson for the last time; (6) E. C. Walthall was appointed United States Senator to succeed L. Q. C. Lamar, who entered the President's cabinet; (7) James M. Arnold was appointed on the supreme bench to succeed H. H. Chalmers, deceased.

5. In Governor Lowry's second administration (1886-1890), (1) the public school system was greatly improved; (2) a local-option law was passed; (3) Thomas H. Woods was appointed on the supreme bench to succeed James M. Arnold, resigned; (4) Jefferson Davis died.

PERIOD II.—UNDER THE CONSTITUTION OF 1890 (1890—)

CHAPTER XL

A DECADE OF PROGRESS (1890-1900)

421. Administration of Governor Stone (1890-1896).—In 1890 Robert Lowry was succeeded by John M. Stone as governor of the State. The Constitutional Convention of 1890 extended Governor Stone's term two years,* as it did those of the other State officers, making them expire in 1896. The well-merited honor thus fell to Governor Stone of filling the exalted position of chief magistrate of the State the longest period (twelve years) of any governor except David Holmes.

422. Creation of Pearl River County.—The legislature of 1890 formed Pearl River county out of parts of Hancock and Marion. The legislature had authorized the formation of this county some time before, but the law was afterwards repealed, as it did not then meet the approval of the people.

423. Constitutional Convention.—In accordance with an act of the legislature ratified February 5, 1890, the fourth constitutional convention in the history of the State met in Jackson August 12, 1890. It was composed of one hundred and thirty-four delegates representing every interest in the State. Among them were many men of wide experience and of profound knowledge of the needs of the State.

* The following State officers were elected on the ticket with Governor Stone: M. M. Evans, lieutenant-governor; George M. Govan, secretary of state; J. J. Evans, treasurer; W. W. Stone, auditor; T. Marshall Miller, attorney-general, and J. R. Preston, superintendent of public education.

Judge S. S. Calhoon of Hinds county was chosen president, and R. E. Wilson of the same county, secretary. The convention adjourned November 1, 1890.

424. Constitution of 1890.*—The most important features of the constitution of 1890 related to the requirements for voting† and the method of conducting elections.¹ Another important clause made provision for the educational needs of the State.² Certain officers were made ineligible to succeed themselves.³ Decided restrictions were laid upon corporate legislation,⁴ yet liberal terms were granted to new factories.⁵ The constitution also placed restrictions upon the leasing of convicts,⁶ and provided for the purchase of State farms at the discretion of the legislature.⁷

425. James Z. George.—James Z. George,† who was in the United States Senate, was especially requested to leave his duties at Washington, Congress being then in session,

* This important document is given in full in the Appendix, and should be carefully studied.

† See sections 240-253.

¹See Ordinances, Secs. 1-16.

⁴See Secs. 178-200; also, Sec. 95.

²See Secs. 201-213.

⁵See Ordinances, Sec. 31.

³See Secs. 134-135.

⁶See Secs. 223-226.

⁷See Ordinances, Sec. 26.

‡ James Z. George was born in Georgia in 1826, and came to Mississippi when only eight years of age. He served in the Mexican War as a member of the First Mississippi Regiment. He then began the practice of law in Carroll county. He served as reporter of the High Court of Errors and Appeals several years before the War between the States, and prepared and published a digest of all the decisions of the High Court of Errors and Appeals and of the Supreme Court of the State from 1817 to 1870. He was a member of the secession convention. He entered the Confederate army as captain, was promoted to the rank of brigadier-general of State troops, and was later made colonel in the Confederate States army. In 1875 and 1876 he was chairman of the Democratic State Executive Committee, and did much to overthrow the carpet-bag government in Mississippi.

and become a member of the constitutional convention. He did this, and his wise counsel in the convention gave ample evidence that the people had not overestimated the value of his services. In the session of Congress following the



JAMES Z. GEORGE

meeting of the convention he rendered a still more conspicuous service to the State by his reply to the criticisms that were made on the floor of the Senate against the new constitution of Mississippi. He was reelected to succeed himself in the Senate (1892) and continued to serve in that body until his death (1897).

426. E. C. Walthall.—

In December, 1890, Senator Walthall* made an able speech in the United States Senate in opposition to the Federal elections bill. It was largely through his efforts that the bill was defeated, and the South saved from the horrors of Federal interference with elections. In 1891

* E. C. Walthall was born in Richmond, Va., in 1831, and came to Mississippi in early life. He began the practice of law at Coffeetown. For several years he filled the office of attorney for his judicial district. In 1861 he entered the Confederate army as lieutenant. Within the brief period of one year (1862) he was promoted to the office of lieutenant-colonel, then colonel, and then brigadier-general. In 1864 he was made major-general. It is said that General Joseph E. Johnston once stated that "if the Confederate war had lasted two years longer, General Walthall would have risen to the command of all the Confederate armies." In 1871 he removed to Grenada, where he remained in the successful practice of his profession until he entered the United States Senate (1885).

he announced his intention to retire from the Senate, but the people of the State induced him to reconsider and to accept the office for another term. He was accordingly reëlected (1892), and continued to hold this important position until his death, in 1898.

427. Financial Conditions.—At the beginning



E. C. WALTHALL



CONFEDERATE MONUMENT AT JACKSON

428. Unveiling of the Confederate Monument.—In June, 1891, the monument erected at Jackson to perpetuate the

of this period a shortage of over \$300,000 was found in the accounts of W. L. Hemmingway, who had been the treasurer of the State for several years. About the same time the people of the State became greatly embarrassed because of the fact that the price of cotton fell to a point that was below the cost of production.

memory of the soldiers and sailors of the State who fell in the War between the States, was unveiled. The ceremony was performed in the presence of twenty thousand people, the veil being lifted by Master Jefferson Davis Hayes, the grandson of the ex-President of the Confederacy. The monument was erected principally through the efforts of



MILLSAPS COLLEGE (MAIN BUILDING)

the patriotic women of Mississippi. On top of the shaft is the figure of a Confederate soldier, and in the vault is a life-sized statue of Jefferson Davis. The monument, including the vault, bears several appropriate inscriptions.

429. Code of 1892.—The new State constitution made provision for the appointment of three commissioners "to draft such general laws as are contemplated by the consti-

tution, and such other general laws as shall be necessary and proper to put into operation the provisions thereof, and as may be appropriate to conform the general statutes of the State to the constitution." This work was ably performed by Robert H. Thompson, George C. Dillard and Robert B. Campbell, and was submitted to the next session of the legislature (1892) for its action.

430. Millsaps College.—In the autumn of 1892 Millsaps



A. J. MCLAURIN.

College, located at Jackson, opened its doors for the reception of students. It was established by the two conferences of the Methodist church in Mississippi, and was named in honor of Major R. W. Millsaps, its principal benefactor. Although the youngest college in Mississippi, this school has taken high rank among the educational institutions of the State, and has had a remarkably successful career.

431. Administration of Governor McLaurin (1896-1900).

In January, 1896, Anselm J. McLaurin was inaugurated governor of the State.* He was born and reared in Rankin county. He graduated at Summerville Institute in 1867, and began the practice of law at Raleigh, Mississippi, in the

* The following State officers were elected on the same ticket: J. H. Jones, lieutenant-governor; J. L. Power, secretary of state; A. Q. May, treasurer; W. D. Holder, auditor; Wiley N. Nash, attorney-general; A. A. Kincannon, superintendent of education.

following year. He was elected attorney of his judicial district in 1872. He served in the State legislature two years (1879-1880), and in the constitutional convention (1890). In 1894 he was chosen to fill out General Walthall's unexpired term in the United States Senate, and at the conclusion of his term as governor (1900) was elected to the United States Senate for a full term, beginning in March, 1901. In 1897 Hon. H. D. Money* was appointed to succeed General George in the Senate of the United States.

432. Spanish-American War.—The principal event of Governor McLaurin's term was the war between the United States and Spain, which affected Mississippi in common with the other States of the Union. This conflict was caused by the misrule of Spain in Cuba and the hostility shown by that nation towards the United States. In response to the calls of President McKinley, Mississippi raised two regiments of volunteers, but the war ended before the troops from the State could reach the scene of hostilities. The First Regiment was placed under the command of Colonel George M. Govan of McComb City; the Second Regiment under the command of Colonel William A. Montgomery of Edwards. A battalion of a third regiment (six companies) was placed under the command of Lieutenant-Colonel Robert W. Banks of Jackson.

433. Yellow-Fever Epidemics.—In 1898 and the year following, the State suffered greatly from yellow fever epi-

* H. D. Money was born August 26, 1839, in Holmes county, Mississippi. He was educated at the University of Mississippi. At the beginning of the War between the States he entered the Confederate Army and continued in the service until September, 1864, when he was forced to retire because of defective eyesight. He represented his district in the lower House of Congress from 1875 to 1885 and from 1893 to 1897 when he succeeded General George in the Senate of the United States. Before this time however (January, 1896), he had been elected by the Legislature of the State to the United States Senate for the full term, beginning March 4, 1899. He was re-elected to this position in January, 1903.

demics. The rigid quarantine regulations which followed the appearance of this disease interfered not only with commerce but with travel throughout the Gulf States.

434. Educational Progress.—Under the wise direction of Hon. J. R. Preston, State superintendent of education (1886-1896), the schools of Mississippi made speedy and permanent advancement. In the execution of the law which provided for uniform examinations for teachers the superintendent raised the requirements for licenses to teach and greatly elevated educational standards in the State. By the timely aid received from the trustees of the Peabody fund supplemented by liberal legislative appropriations, county institutes and summer normal schools for teachers were conducted throughout the State. Under the able direction of Hon. A. A. Kincannon and Hon. H. L. Whitfield still greater results were achieved before the close of the decade to which this chapter is devoted.

All of the State institutions for higher education received liberal grants of land from Congress, which enabled them to increase their facilities and to enlarge their usefulness.

Summary

1. In the last administration of Governor Stone (1890-1896), (1) a new constitution was formed; (2) the Confederate monument was unveiled at Jackson; (3) a shortage was found in the accounts of the State treasurer; (4) the people of the State became greatly embarrassed because of the low price of cotton; (5) a new code was adopted, and (6) Millsaps College was founded.

2. In the administration of Governor McLaurin (1896-1900), (1) Mississippi furnished two regiments and a battalion of volunteers for the Spanish-American War; (2) the State suffered from two epidemics of yellow fever; and (3) Senators George and Walthall died.

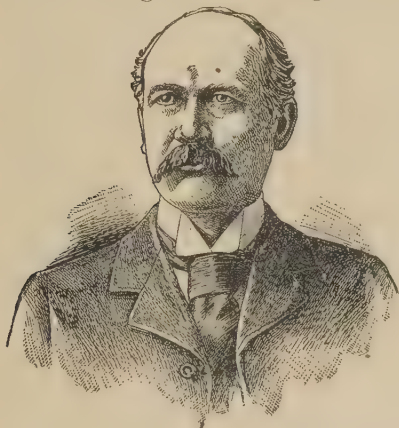
3. The public schools of the State were greatly improved by the adoption of uniform examinations for teachers and by the establishment of teachers' institutes and summer normal schools.

CHAPTER XLI

A DECADE OF PROSPERITY (1900-1910)

435. Administration of Governor Longino (1900-1904).—

A. H. Longino was inaugurated governor of the State in January, 1900.* He was



A. H. Longino.

born and reared in Lawrence county, and was educated in the schools of that county and at Mississippi College. After graduating at college, he was elected circuit and chancery clerk of his native county. He then studied law at the University of Virginia, and began the practice of his profession at Monticello. He was ap-

pointed Federal district attorney by President Cleveland. At the expiration of his term of office he removed to Greenwood and continued in the practice of law until

* The following State officers were elected on the same ticket: James T. Harrison, lieutenant-governor; J. L. Power, secretary of State; J. R. Stowers, treasurer; W. Q. Cole, auditor; Monroe McClurg, attorney-general; H. L. Whitfield, superintendent of education; Wirt Adams, revenue agent; E. H. Nall, land commissioner; E. W. Brown, clerk of Supreme Court; John D. McInnis, A. Q. May, and J. C. Kincannon, railroad commissioners.

J. L. Power, deceased, was succeeded by J. W. Power (1901); Monroe McClurg, resigned, by William Williams (1903); J. R. Stowers, resigned, by G. W. Carlisle (1901); G. W. Carlisle, resigned, by T. B. Lampton (1902); E. W. Brown, deceased, by G. C. Myers (1903).

he received an appointment from Governor McLaurin as chancellor of his judicial district. At the time of his election to the office of governor he was living at Greenville.

436. Supreme Court.—In 1900 Judge Thomas H. Woods resigned his position on the Supreme Bench and was succeeded by Judge S. S. Calhoon. Upon the death of Judge Calhoon (1908) his unexpired term was filled by Judge R. V. Fletcher, who was in turn succeeded by Judge S. M. Smith (1909). In 1910 Judge A. H. Whitfield and Hon. F. A. McLain were made Supreme Court Commissioners (see §456), the unexpired term of Judge Whitfield being filled by the appointment of Hon. W. D. Anderson. In 1903 Judge S. H. Terral was succeeded by Judge J. H. Price, who resigned in the same year and was succeeded by Judge Jeff Truly. In 1906 Judge Robert Mayes succeeded Judge Truly.

437. Congressional Districts.—Under the census of 1900 the representation of Mississippi in the lower house of Congress was increased from seven to eight. The legislature accordingly made a new apportionment of congressional districts by an act which became a law in 1902.

438. Elective Judiciary Amendment.—The legislature of 1898 passed an act submitting to the people of the State a constitutional amendment providing for the choice of all judges by popular vote instead of executive appointment. The legislature of 1900 decided that this amendment had been adopted at the general election in 1899 and ordered that it be inserted in the Constitution. The Supreme Court held that the amendment had not been constitutionally adopted and that it could not lawfully become a part of the State Constitution.*

439. Loss of Great Men.—In March, 1900, a gloom was cast over the entire State by the death of ex-Governor J. M.

* An article on this subject by Hon. E. F. Noel will be found in Volume VIII. of the *Publications of the Mississippi Historical Society*.

Stone, whose exalted services had won for him the esteem and affection of its citizens. He was president of the Agricultural and Mechanical College during the last eleven months of his highly useful life.

In 1901 the State was deprived of the services of another great citizen by the death of its beloved secretary of State, Col. J. L. Power. Throughout his long and useful life the widows and orphans and the distressed in every station and in every clime found in him a friend and helper.

Another great loss to the State was incurred in the death of Hon. H. L. Muldrow (March 3, 1905). His valuable services in the Confederate army, in the State legislature (1876-1877), in the lower house of Congress (1877-1885), in the Department of the Interior, where he was first assistant secretary under Col. L. Q. C. Lamar (1885-1889), and in the Constitutional Convention of 1890, have made for him a place in the history of Mississippi.

In 1908 Mississippi lost one of her most useful and distinguished citizens in the death of General Stephen D. Lee. Many references to his valuable services in war and peace will be found on the pages of this history.

A year later (1909) the death of Bishop Charles B. Galloway deprived the State of her most celebrated churchman, whose eloquence has thrilled thousands of people throughout the world.

440. Boundary Dispute.—With the development of the oyster industry off the coast of Mississippi and Louisiana there arose a dispute over the exact location of the boundary between the two States in certain waters of the Gulf.* In 1901 commissions from these States met in New Orleans, but failed to reach an agreement. The

* Mississippi claimed that the six league (18-mile) limit granted to her by Congress should run due south out of the mouth of the most eastern bank of Pearl river through Lake Borgne until it strikes the Louisiana mainland, a distance of about ten or twelve miles; thence along the mainland around Malheureux

Supreme Court of the United States finally settled the controversy against the claims of Mississippi,* and the water boundary was surveyed and marked by buoys in 1909.

441. State Farms.—The Constitution of 1890 not only provided for the total abolition of the iniquitous system of leasing State convicts, but authorized the legislature to purchase a State farm or farms and to work the same by convict labor, under State supervision.† The first session of the legislature after the adoption of this Constitution appointed a commission to purchase lands for penitentiary farms. This commission purchased farms in Rankin, Hinds and Holmes counties. The Rankin county farm was occupied by white prisoners exclusively. As these farms were not large enough to employ all of the convicts the board of control of the penitentiary, acting under the authority granted by the legislature of 1900, purchased a large tract of land in Sunflower county.

The Code of 1906 took the management of the penitentiary from the board of control, consisting of the governor, Point, leaving Le Petit Pass Island on the Mississippi side; thence through Nine Mile Bayou and the water course nearest to the Louisiana mainland down to Indian Mound Bayou at a point eighteen miles from the Mississippi shore; and thence eastward with the meanderings of her shore, six leagues therefrom at every point, to the Alabama line.

Louisiana claimed that her eastern boundary should be the deep water channel which runs from the mouth of Pearl river near the mainland of Mississippi and through the sound to the Gulf of Mexico, crossing the eighteen-mile line of Mississippi near Cat Island. She, therefore, claimed Le Petit Pass, St. Joseph, Grand Grassy and all other islands west of Cat Island.

* An article on this controversy by Hon. Monroe McClurg will be found in Volume VIII. of the *Publications of the Mississippi Historical Society*.

† An article entitled "Penitentiary Reform in Mississippi," by Hon. J. H. Jones, who was a member of the committee on penitentiary in the Constitutional Convention, 1890, will be found in Volume VI. of the *Publications of the Mississippi Historical Society*,

attorney-general and the railroad commissioners, and placed it in the hands of three trustees, one of whom is elected from each of the Supreme Court districts. These trustees are elected at the same time and for the same terms as other State officers.

In this way Mississippi has settled the perplexing problem of how to protect society against criminals and at the same time inflict upon them humane and adequate punishment. The returns from these farms have already proved that the system is a financial success, since they are now turning into the State treasury about \$100,000 a year.

442. New State Departments.—In 1902 the legislature of Mississippi passed an act establishing a State Department of Archives and History. The work of this department is directed principally to the preservation of the sources of State history and to the publication of an *Official and Statistical Register of Mississippi* after each general election.

In order to protect the citizens of Mississippi against fraudulent insurance companies and to regulate the insurance business in the State, the legislature of 1902 passed an act establishing the State Department of Insurance.

The legislature of 1906 created a Department of Agriculture and Commerce and provided for a geological survey of the State.

443. Primary Election Law.—By an act approved in 1902 the legislature provided that all nominations by political parties in Mississippi should thereafter be made by primary elections. This law requires that in order to receive the nomination of his party a candidate must receive a majority of the popular votes, or the highest popular vote and a majority of the electoral votes, each county being entitled to as many electoral votes as it has representatives on the district executive committee. Provision was made for second primary elections when more than two candidates might run and no one receive a majority of the votes in the first primary.

large number of Mississippi Choctaws removed to the Indian Territory.*

446. Levee System.—The fertile lands of the Yazoo-Mississippi Delta are protected from annual overflows by immense embankments called levees. The levee line at present extends from the hills just below Memphis 314 miles to a point near the mouth of the Yazoo river. Since the close of the War between the States over twenty-two and a half millions of dollars have been expended on this important work.

In 1903 the waters of the Mississippi reached the highest stage on record, being two and a half feet higher than in 1897, and seven and a half feet higher than in 1882. The levees were strong enough, however, to protect the greater part of the Delta, only a small portion of the lower end of the basin being overflowed at that time.

447. New Statehouse.—By an act approved in 1900 the legislature provided for the erection of a new statehouse, and authorized the issuance of \$1,000,000 of bonds for that purpose. Because of the excellent condition of the State treasury the great expense of erecting this building was met without the sale of the authorized bonds. The work was begun January 1, 1901, the first day of the twentieth century. The cornerstone was laid with appropriate ceremonies on June 3, 1903, the birthday of Jefferson Davis. The orators of the day were Bishop Chas. B. Gallo-way and Chief Justice A. H. Whitfield, two of Mississippi's most talented and eloquent citizens. The city of Jackson was thronged with people from every part of the State, who joyfully participated in the celebration in honor of the important occasion. The building was completed August 20, 1903, and was occupied by all the State officials by the fifth of the following month.

* More detailed information on this subject will be found in an article by Mr. J. W. Wade in Volume VIII. of the *Publications of the Mississippi Historical Society*.

448. Administration of Governor Vardaman (1904-1908).—James K. Vardaman was inaugurated governor of Mississippi January 29, 1904.* He was born in Jackson county, Texas, July 26, 1861. Five years later his family



James K. Vardaman.

returned to Mississippi and settled in Yalobusha county. After attending the public schools of that county, he read law at Carrollton, Miss. He began the practice of law at Winona in 1882. The year following he edited the *Winona Advance*. He then removed to Greenwood, where he edited the *Greenwood Enterprise* (1890-1896), and *The Commonwealth* (1896-1904). He represented Leflore county in the lower house of the legislature

(1890-1894) and was speaker of that body in 1904. In 1892 and 1896 he was a presidential elector on the Democratic ticket. At the outbreak of the Spanish-American War he entered the army of the United States as captain of a company and served in Cuba (August, 1898, to May, 1899). Before the end of the struggle he was promoted to the rank of major. Governor Vardaman has the distinction of being the first chief executive of Mississippi to be nominated by a general primary election and the first to be inaugurated in the new statehouse.

* The following State officers were elected on the same ticket: J. P. Carter, lieutenant-governor; J. W. Power, secretary of State; W. J. Miller, treasurer; T. M. Henry, auditor; William Williams, attorney-general; H. L. Whitfield, superintendent of education; Wirt Adams, revenue agent; W. Q. Cole, insurance commissioner; E. H. Nall, land commissioner; E. W. Brown, clerk of Supreme Court; R. L. Bradley, S. D. McNair and J. C. Kincannon, railroad commissioners.

E. W. Brown, deceased, was succeeded by Geo. C. Myers (1904); William Williams, deceased, by R. V. Fletcher (1907); H. L. Whitfield, resigned, by J. N. Powers (1907).

449. New Counties.—The legislature of 1904 created a new county out of the eastern part of Marion county and a few sections of the northern part of Pearl River county. It was named Lamar in honor of one of Mississippi's greatest statesmen.

Two years later Jefferson Davis county was created out of the eastern part of Lawrence and the western part of Covington counties. It was named in honor of the beloved ex-President of the Confederacy. The same legislature established another county out of the eastern portion of Perry, naming it Forrest, in honor of General N. B. Forrest, a celebrated cavalry officer in the War between the States.

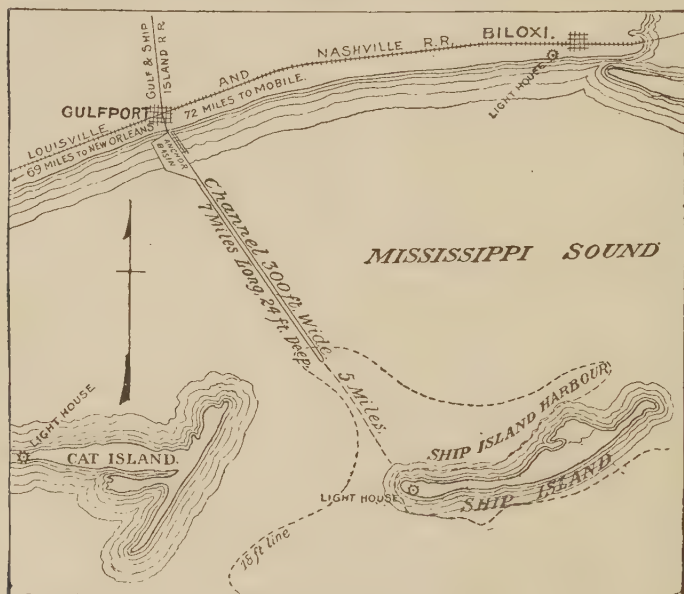
The legislature of 1910 founded George county out of portions of Greene and Jackson counties, and authorized the formation of Walthall county from parts of Pike and Marion, at the option of the voters of the proposed county. These last two names were given in honor of Mississippi's "Great Commoner" (J. Z. George) and her "Chevalier Bayard" (E. C. Walthall).

450. Code Commission.—The legislature of 1904 passed an act authorizing the appointment of a commission to codify the laws of Mississippi. This was necessary because of the fact that many important changes had been made in the laws of the State since the adoption of the Code of 1892. The commission, which was appointed by Governor Vardaman, consisted of Chief Justice A. H. Whitfield, Capt. W. H. Hardy, and Hon. T. C. Catchings,—three of the most eminent and learned lawyers of Mississippi.

451. Text-Book Commission.—The legislature of 1904 passed a law providing for the appointment of eight public school teachers of recognized ability, who, with the State superintendent of education, should constitute a commission to adopt a uniform series of text-books for the public

schools of Mississippi for a period of five years. A similar commission was appointed in 1910.

452. Deep Water Harbor.—Through the energy of Capt. J. T. Jones, President of the Gulf and Ship Island railroad, a deep water anchorage basin and channel, connecting the city of Gulfport with the Ship Island harbor, was opened in January, 1902. It is impossible to estimate the great value



Ship Island Channel.

of this port to Mississippi. It has given the commerce of the State a way of easy access to the seas and has put new energy into the business life of the State. The time is not far distant when Gulfport will be not only one of the most important cities in Mississippi, but one of the most important ports on the Gulf of Mexico. It now claims the distinction of being one of the most rapidly developing

lumber ports in the world. On July 1, 1904, it became the only port of entry between New Orleans and Mobile.

In August, 1904, an Italian steamship, direct from Genoa, brought to Gulfport the first cargo from a foreign country. At a grand banquet given in honor of the occasion the commander of the vessel said that he started from the other side of the ocean to a port of which he had never heard before and that he was surprised to find at Gulfport "a lively city, many sister ships in harbor, plenty of water and a fine harbor."

453. Louisiana Purchase Exposition.—The legislature of Mississippi appropriated \$60,000 to provide a suitable exhibit at the Louisiana Purchase Exposition, which was held at St. Louis in 1904. Hon. R. H. Henry, the State commissioner, devoted great care to the collecting of exhibits that would do justice to the State. The Mississippi Building was an exact reproduction of Beauvoir, the historic home of Jefferson Davis. It was visited by thousands of people from every part of the civilized world, who greatly admired its beauty. "King Cotton," a colossal statue, made of the fleecy staple and seated on a throne which rested on several bales of cotton, appropriately represented Mississippi's greatest industry. The excellent exhibit of the timber resources of the State did credit to one of the most important and rapidly developing industries of Mississippi. The fish and game and the mineral exhibits also attracted much attention.

454. Administration of Governor Noel (1908—).—E. F. Noel was inaugurated governor of the State in January, 1908.* He was born and reared on a farm near Lexington, Holmes county, Mississippi. He was deprived

* The following State officers were elected on the same ticket: Luther Manship, lieutenant-governor; J. W. Power, secretary of State; G. R. Edwards, Jr., treasurer; E. J. Smith, auditor; R. V. Fletcher, attorney-general; J. N. Powers, superintendent of education; Wirt Adams, revenue agent; T. M. Henry, insurance com-

of the privilege of attending a college or professional school, but was able to complete his high school course in 1872 with the highest honors of his class. Five years later he began the practice of law at Lexington. He served



E. F. Noel.

in both branches of the State legislature, and as district attorney of his judicial district. During the Spanish-American war he was captain in the Second Mississippi Regiment of Volunteers. He was author of the Elective Judiciary Law (see §438) and of the present Primary Election Law (see §443). In his public career he has shown industry, integrity, and conservatism.

455. Senatorial Elections.—At the time of the general election of State officers in 1907, there was also a campaign for the nomination of a United States senator to succeed H. D. Money. After a spirited contest J. S. Williams won the nomination over J. K. Vardaman and was accordingly elected by the legislature of 1908.

Upon the death of Senator A. J. McLaurin (Dec. 22, 1909), Colonel James Gordon was appointed by Governor missioner; E. H. Nall, land commissioner; H. E. Blakeslee, commissioner of agriculture; Geo. C. Myers, clerk of Supreme Court; C. C. Smith, W. A. Montgomery and L. T. Taylor, trustees of penitentiary; and J. A. Webb, F. M. Lee, W. R. Scott and T. R. Maxwell, railroad commissioners.

E. H. Nall was succeeded by J. G. Gillespie (1909); and R. V. Fletcher, by J. B. Stirling (1908), who was in turn succeeded by S. S. Hudson (1910).

Noel to fill the vacancy until the legislature could choose a man for the place. After a bitter contest, in which there were a number of candidates, the legislature finally (Feb. 22, 1910) elected LeRoy Percy to serve out Senator McLaurin's unexpired term. Senator Gordon's farewell address to the Senate abounded in liberal and patriotic sentiments which were applauded by statesmen at home and abroad.

456. Legislative Progress.—The legislature of 1908 passed the following important acts: (1) A state-wide prohibition law; (2) a law abolishing speculation in cotton and other futures; (3) a law for the protection of children employed in factories; (4) the creation of special commissions to coöperate with the Federal Government in the suppression of various diseases among live-stock, and to check the ravages of the boll-weevil, which had just crossed the Mississippi River from Louisiana (1907); (5) the establishment of agricultural high schools.

The legislature of 1910 passed the following acts of importance: (1) It created the office of county attorney to look after civil and criminal business and to assist the district attorney in the circuit courts; (2) it provided for two Supreme Court commissioners;*(3) it practically abolished the offices of county and city treasurers, conferring their duties upon county and municipal depositories; (4) a State Normal College was authorized to be erected by the county or municipality which would submit the most favorable terms.

457. Federal Relations.—During Governor Noel's administration Mississippi has received from the Federal

* The constitution of 1890 provided for only three Supreme Court judges (See Art. VI. Sec. 145), but the business of the court became so heavy that additional help was imperative. The legislature, therefore, established the office of Supreme Court commissioner, with all the powers and duties of Supreme Court judges, except the right to vote on the opinions rendered.

Government and its officers all the consideration to which it was entitled as a member of the Union. President Roosevelt was cordially received at Vicksburg in October, 1908, and President Taft was given a great ovation in November, 1909, by the citizens of the State on the occasion of his trip down the Mississippi River and across the State. He spent a day at Jackson as the guest of the State and was entertained by the governor at the executive mansion.

Governor Noel has the distinction of having been the first president of the National Conservation Congress. This Congress met in the White House (1908) at the call of President Roosevelt and was attended by over forty governors and other representatives of all the States and territories. He also obtained a favorable settlement of claims of Mississippi against the Federal Government which had been pending since the War between the States.

458. Respect for the "Lost Cause".—The people of Mississippi have never failed to show the high regard in which they hold the memory of the valiant soldiers who lost their lives in the great War between the States. They commend the zeal of the Federal Government in beautifying the cemeteries where rest the mortal remains of the heroic soldiers of the North, and they appreciate the sentiment of those among their former foes who joined President McKinley in saying that "every soldier's grave, made during our unfortunate Civil War, is a tribute to American valor." But the pleasure which comes to Mississippians over the fact that the passions of the bitter conflict are rapidly passing away does not lessen their sentiments of reverence and affection for the sacred dust of the Southern heroes, who sacrificed their lives on its soil. Through the energies of the women of the State most of the Confederate cemeteries within its borders have been preserved and beautified in a way that honors their pure and exalted love of patriotism. The legislature of 1906 appropriated \$50,000 for

a monument in the Vicksburg National Park in memory of her Confederate soldiers.

The Sons and Daughters of the Confederacy in Mississippi raised a voluntary contribution with which they have purchased and equipped for a Confederate soldiers' home the beautiful residence of Jefferson Davis (Beauvoir), where the late chieftain of the "Lost Cause" spent the last years



Beauvoir.

of his life. No place in the State could have been more appropriately dedicated to this patriotic and noble purpose. In accordance with a requirement of the Constitution of 1890 the legislature also makes annual appropriations for the relief of needy Confederate soldiers, sailors, and widows.

459. Industrial Progress.—The great wealth of timber in Mississippi has attracted the attention of capitalists, both local and foreign, who have invested millions of dollars in the manufacture of lumber. The center of this industry is at present in South Mississippi, but with the development of the hardwood industry, which is now in its infancy,

other parts of the State will reap large returns from their valuable timber resources. The pine stumps are beginning to be utilized in the manufacture of charcoal, tar, creosote, turpentine, and other products, more or less valuable.

Since the year 1900 many millions of dollars have been invested in the construction of new lines of railroad in Mississippi. It is gratifying to note the fact that this essential feature of our commercial development is not confined to any one section of the State. In the near future the State will be covered with a great network of railroads which will supply adequate facilities for its rapidly developing industries.

Since the year 1900 the number of cotton factories in the State have increased from six to fifteen. Although this industry is now in its infancy it represents an invested capital of about \$3,000,000. The well-equipped textile school at the Agricultural and Mechanical College will cause much greater developments in this important industry at an early date. The cotton seed oil mills in the State,—ninety in number—represent an invested capital of about \$6,500,000. Through the development of this industry the farmers of Mississippi have received many millions of dollars for their cotton seed since 1900.

Mississippi is preëminently an agricultural State. It stands among the first States of the Union in the amount of cotton produced. No State is said to produce a finer grade of long staple cotton, and Vicksburg and Edwards are becoming important long staple markets. The fertile Delta region is the greatest cotton producing part of the State. The low price at which the crop of 1904 was sold caused the farmers of the State to join with those of other cotton producing States in reducing the acreage devoted to this crop. It is safe to predict that greater attention will be devoted in the future to the diversification of crops in Mississippi. Truck-farming and market-gardening have

yielded large returns to the farmers of some parts of the State in recent years.

The salubrious climate and the fertile soil of Mississippi have attracted the attention of farmers from other parts of the Union. Hundred of them are making their homes in the State and are adding their thrift and industry to the efforts of the native citizens to reclaim its waste places and to open its undeveloped lands.

Since the year 1900 several hundred farmers' institutes have been held in all parts of the State, under the auspices of the Agricultural and Mechanical College. These institutes have reached thousands of farmers, giving them the benefits of the many valuable facts pertaining to agriculture that have been discovered in the various experiment stations and agricultural colleges of the country.

The banking institutions of Mississippi are among the most prosperous commercial organizations in the State. Old banks have increased their capital stock and many new ones have been organized, not only in the larger towns but in the smaller villages. The banks of Mississippi have over \$30,000,000 on deposit, and are said to be furnishing money during certain parts of the year to the banks of Chicago and St. Louis at a low rate of interest.

The panic of 1908 did not affect Mississippi as seriously as many other States. The steady progress of the boll-weevil, however, has delayed recuperation, particularly in the southern part of the State.

460. Educational Progress.—Fortunately for the educational interests of Mississippi, H. L. Whitfield and J. N. Powers, State superintendents of education since 1898, have devoted their best energies to the development of the country schools. With the help of prominent educators and other public spirited citizens they have carried on a systematic campaign of education in every part of the State. The number of counties which have extended their

free school terms by local taxation has been greatly increased, and separate school districts have been established in every important town and in many of the country communities of the State.

The legislative appropriations for the common schools of Mississippi during the period have increased with the development of wealth and population.

Agricultural high schools are being established throughout the State, the law establishing the system having been perfected by the legislature in 1910. Under the direction of Miss Susie V. Powell, the school improvement work of the State has made great progress. The "corn club" movement, introduced into Mississippi by Superintendent W. H. Smith, of Holmes county, has developed much interest in farming among the boys of the State.

The denominational schools and colleges have also received liberal support from their respective churches.

The higher educational institutions,—the University, the Agricultural and Mechanical College, and the Industrial Institute and College—have kept abreast with the educational development of the State. The new State Normal College will greatly strengthen the educational system (see §456).

The patriotic citizens of Mississippi are cheerfully meeting these heavy expenses in order that every boy and girl in the State may be well prepared for the duties and responsibilities of life.

Summary

1. In Governor Longino's Administration (1900-1904) (1) Judge Calhoun and Judge Truly became members of the Supreme Bench; (2) the representation of the State in the lower House of Congress was increased to eight members; (3) the elective judiciary amendment was declared void; (4) a boundary dispute arose between Mississippi and Louisiana; (5) ample provisions were made for the employment of all State convicts; (6) the State departments of Archives and History and of Insurance were created; (7) the primary election law was passed; (8) the Vicksburg harbor was restored; (9) the Mississippi Choctaws

were removed to the Indian Territory; (10) the levee system withstood the high water of 1903; (11) the new statehouse was built and occupied.

2. Ex-Governor Stone, Colonel Power, Colonel Muldrow, General Lee, Bishop Galloway, Judge Calhoun and Senator McLaurin died in the period between 1900 and 1910.

3. In Governor Vardaman's administration (1904-1908) (1) Lamar, Jefferson Davis and Forrest counties were created; (2) a new code of laws was prepared; (3) a uniform system of text-books for the State was adopted; (4) the first cargo from a foreign country was received at Gulfport; (5) Mississippi took a creditable part in the Louisiana Purchase Exposition; (6) Beauvoir was purchased and equipped for a Confederate soldiers' home.

4. In Governor Noel's administration (1908 —) (1) a State-wide prohibition law was passed; (2) agricultural high schools were established; (3) the office of county attorney was created; (4) provision was made for a State Normal College; (5) George county was created and Walthall county authorized.

5. In the period from 1900 to 1910 great progress was made in the manufacture of lumber and turpentine; the building of railroads, cotton factories and oil mills; and the cultivation of cotton and vegetables and fruits. Immigration from other States greatly increased. Farmers' institutes were held and a large number of banks established.

6. In the period between 1900 and 1910 the country schools were greatly improved by local taxation, and increased legislative appropriations were made for educational purposes.

APPENDIX

THE NAME "MISSISSIPPI"

This is an Ojibbeway word which the first discoverers of that stream heard pronounced in the mission stations on Lake Superior. Its meaning according to some is "the Great Water." Others say it means "rivers" or "waters from all sides." Du Pratz, an early historian of Louisiana, says Mechasepi is a contraction of "Meact Chassipi," which literally denotes "the ancient Father of Rivers." Father Marquette (1672) was the first to introduce this name into geography. Charlevoix, the great traveler, who descended that stream in 1721-1722 and published an account of his travels in 1744, called it the "Misisipi" or "Micissipi." The early geographers and explorers spelled it in many different ways. Marquette (1673) wrote it "Mitchisipi," Hennepin (1698) "Mechasipi" or "Mechacebe." The English historian Coxe corrupted it into "Merchacebe." In this corrupted spelling the name was first introduced to English readers. He also called it after other Indian names—"Chucagua," "Sasagoula," and "Mala Banchia." The French writers generally spelled it "Missisipi," and the Spanish "Misisipi." It is not known when the present spelling of the word ("Mississippi") was first used.

ORIGIN OF NAME, LOCATION OF COUNTY SEAT, AND DATE OF ORGANIZATION OF EACH COUNTY

ADAMS—Organized in 1799. Named in honor of John Adams, who was then President of the United States. It was the first county organized in Mississippi. County seat, Natchez.

ALCORN—Organized in 1870. Named for Governor James L. Alcorn. County seat, Corinth.

AMITE—Organized in 1809. Called "Amite" after a river which had been named by the French in commemoration of the friendly manner in which they had been received by the Indians. County seat, Liberty.

ATTALA—Organized in 1833. Named for the Indian heroine of Chateaubriand's romance entitled "Atala." We are told that it is not an Indian name and has no meaning. The county seat, Kosciusko, near the geographical center of the State, was named for a Polish hero.

BENTON—Organized in 1870. It was formed out of portions of Marshall and Tippah counties, and was named in honor of Colonel Samuel Benton, who was killed in the War between the States. County seat, Ashland, named after the home of Henry Clay, the great statesman.

BOLIVAR—Organized in 1836. Named for General Simon Bolivar, the Washington of South America. County seats, Rosedale and Cleveland.

CALHOUN—Organized in 1852. Named in honor of John C. Calhoun, the great "nullifier." County seat, Pittsboro.

CARROLL—Organized in 1833. Named for Charles Carroll, of Carrollton, a signer of the Declaration of Independence. County seats, Carrollton and Vaiden.

CHICKASAW—Organized in 1836. Named for the Chickasaw Indians, the most cruel and warlike tribe that ever lived within the boundaries of the State. Chickasaw, in the Indian language, means "rebellion." County seats, Houston and Okolona.

CHOCTAW—Organized in 1833. Named for the Choctaw Indians. The supposed meaning of the word "Choctaw" is "separation." County seat, first Greensboro, second La Grange, and then Chester and Ackerman.

CLAIBORNE—Organized in 1802. Named for Governor William C. C. Claiborne. County seat, Port Gibson, which was built on the plantation of David Gibson; hence the name.

CLARKE—Organized in 1833. Named in honor of Judge Joshua G. Clarke, the first chancellor of the State. Its county seat was first located in the geographical center of the county, but was later removed to Quitman, which was named for John A. Quitman, the second chancellor of the State.

CLAY—Organized in 1871. Named for Henry Clay, a distinguished statesman of Kentucky. Formed from the counties of Lowndes and Chickasaw. County seat, West Point.

COAHOMA—Organized in 1836. Formed out of the Chickasaw lands. Received an Indian name meaning "red panther." County seat first Port Royal then Friar's Point and Clarksdale.

COPIAH—Organized in 1823. Formed from the Choctaw lands. Received an Indian name, which means "calling panther." First county seat, Gallatin, named for Albert Gallatin, secretary of the treasury during Washington's administration. Present county seat, Hazlehurst.

COVINGTON—Organized in 1819. Formed out of parts of Lawrence and Wayne. Named in honor of General Covington, who was killed in the war of 1812. County seat, Collins.

DE SOTO—Organized in 1836. Named for Hernando De Soto, the celebrated explorer, who discovered the Mississippi River in 1541. County seat, Hernando, so called from the Christian name of De Soto.

FORREST—Organized in 1906. Formed out of the eastern part of

Perry county. County seat, Hattiesburg. Named for Gen. N. B. Forrest, the noted cavalry leader.

FRANKLIN—Organized in 1809. Named in honor of Benjamin Franklin, the celebrated printer, diplomat, and philosopher. County seat, Meadville; named after Cowles Mead, the second secretary of the Territory.

GEORGE—Organized in 1910. Named in honor of Senator J. Z. George, lawyer, jurist and statesman. Formed out of parts of Greene and Jackson counties.

GREENE—Organized in 1811. Named for General Nathaniel Greene, a Revolutionary hero. County seat, Leakesville; named for Hon. Walter Leake, who was at one time governor of Mississippi and United States Senator from the same State.

GRENADA—Organized in 1870. Formed out of parts of Yalobusha and Carroll counties. County seat, Grenada, which was formed by the consolidation of two rival towns, Pittsburg and Tullahoma, established by Governor Runnels and Franklin E. Plummer, respectively.

HANCOCK—Organized in 1841. Named for John Hancock, president of the Colonial Congress, and the first signer of the Declaration of Independence. County seat, Bay St. Louis; named in honor of Louis IX., the sainted king of France.

HARRISON—Organized in 1841. Named for William H. Harrison, who had recently been elected President of the United States. Taken from Hancock county. County seat, Gulfport.

HINDS—Organized in 1821. Named for General Thomas Hinds, who distinguished himself at the battle of New Orleans (1815). County seats, Raymond and Jackson.

HOLMES—Organized in 1833. Named for David Holmes, the last governor of Mississippi Territory and first governor of the State. Formed out of a portion of Yazoo county. County seat, Lexington.

ITAWAMBA—Organized in 1836. Named for an Indian chief. The name itself has no significance, as far as scholars can ascertain. County seat, Fulton.

ISSAQUENA—Organized in 1844. The name is of Indian origin, signifying "Deer River." County seat, Meyersville; named for David Meyer, who owned large plantations in that county.

JACKSON—Organized in 1812. Named in honor of General Andrew Jackson. County seat, Scranton.

JASPER—Organized in 1833. Named for Sergeant Jasper, of Revolutionary fame. County seat, Paulding; named in honor of John Paulding, who aided in the capture of Major André in the Revolutionary War.

JEFFERSON—Organized in 1802. Named for the third President of the United States. County seat, formerly Greenville; at present Fayette.

JEFFERSON DAVIS—Organized in 1906. Named for the only

President of the Confederacy. Formed out of Lawrence and Covington counties. County seat, Prentiss.

JONES—Organized in 1826. Formed out of parts of Covington and Wayne. Named in honor of John Paul Jones, the bold seaman of the American Revolution. County seats, Laurel and Ellisville; latter place named for Powhatan Ellis, a former member of the Supreme Court, who at that time represented Mississippi in the Senate of the U. S.

KEMPER—Organized in 1833. Named in honor of Reuben Kemper, who led a company of men from the Mississippi Territory against Spanish Mobile in 1811. County seat, De Kalb; named for a hero of the American Revolution.

LAFAYETTE—Organized in 1836. Named in honor of Marquis de La Fayette, a citizen of France who voluntarily aided the Americans in the Revolutionary War. County seat, Oxford, where the University of Mississippi is located.

LAMAR—Organized in 1904. Formed out of a portion of Marion and Pearl River counties. Named in honor of L. Q. C. Lamar. County seat, Purvis.

LAWRENCE—Organized in 1814. Formed out of a part of Marion. Named for Captain James Lawrence, a hero of the War of 1812 who had died the year previous. County seat, Monticello; named after the home of Thomas Jefferson.

LAUDERDALE—Organized in 1833. Named for Colonel James Lauderdale, who fell in the battle of New Orleans. County seat, first Marion, then Meridian.

LEAKE—Organized in 1833. Named for the third governor of the State. County seat, Carthage; named after a city of antiquity.

LEE—Organized in 1866. Formed out of parts of Itawamba and Pontotoc. Named in honor of General Robert E. Lee, a hero of the Southern Confederacy. County seat, Tupelo.

LEFLORE—Organized in 1871. Formed out of portions of Sunflower and Carroll. County seat, Greenwood, which together with the county, is named in honor of Greenwood Leflore, chief of the Choctaw Indians.

LINCOLN—Organized in 1870. Formed out of parts of Lawrence and Franklin. Named for Abraham Lincoln, President of the United States during the War between the States. County seat, Brookhaven.

LOWNDES—Organized in 1830. Formed out of the southern part of Monroe county. Named for William Lowndes. County seat, Columbus.

MADISON—Organized in 1828. Formed out of that part of Yazoo county east of the Big Black River. Named in honor of the fourth President of the United States. Beaty's Bluff was its first, Livingstone its second, and Canton its third county seat.

MARION—Organized in 1811. Named in honor of General Francis Marion, the "swamp fox of the Revolution." County seat, Columbia.

MARSHALL—Organized in 1836. Named for John Marshall, a celebrated chief justice of the United States. County seat, Holly Springs.

MONROE—Organized in 1821. Named for President James Monroe, the author of the "Monroe Doctrine." County seat, originally Hamilton; at present, Aberdeen.

MONTGOMERY—Organized in 1871. Named in honor of General Richard Montgomery, a Revolutionary hero. County seat, Winona.

NESHOBA—Organized in 1833. Received an Indian name which signifies "wolf." County seat, Philadelphia; named for the chief city of Pennsylvania.

NOXUBEE—Organized in 1833. Named after a river which the Indians called by a term that was formerly interpreted to mean "stinking bullet water," in commemoration of a battle fought on its banks. According to a later and more authentic interpretation, the name applied to this river means "stinking water," to designate the peculiar odor arising from an overflowed creek in the summer. County seat, Macon.

NEWTON—Organized in 1836. Named for Sir Isaac Newton. County seat, Decatur; named for Commodore Stephen Decatur, the hero of the war with the Barbary States.

OKTIBBEHA—Organized in 1833. Said by some to have received a name, which in the Indian language, means "fighting or bloody water," because it was the scene of a battle between the Choctaws and the Chickasaws. This interpretation has been disputed by a competent authority on the Choctaw dialect, who asserts that the creek after which the county was called, derived its name from the following circumstances. At the end of a severe winter great quantities of ice floated down the stream. The Indians seeing this, gave it the name of *Okti abeha bok*, the literal interpretation being, "ice there in creek." County seat, Starkeville; named for General Starke, a hero of the Revolutionary War.

PANOLA—Organized in 1836. Received an Indian name meaning "cotton." County seats, Sardis and Batesville.

PEARL RIVER—Organized in 1890. Formed out of parts of Hancock and Marion. Named after the river that flows along its western border. County seat, Poplarville.

PERRY—Organized in 1820. Named after Commodore Oliver H. Perry, the hero of the battle of Lake Erie. County seat, Augusta.

PIKE—Organized in 1815. Named in honor of General Pike, a commander in the army of the United States. County seat, first Jacksonville, second Holmesville, and third Magnolia.

PONTOTOC—Organized in 1836. It derived its name from two Indian words meaning "weed prairie." So called from a large prairie in north Mississippi, upon which grew a long, slender weed. County seat, Pontotoc, where the United States court was held for many years.

PRENTISS—Organized in 1870. Formed out of a portion of Tishomingo. Named for Mississippi's great orator, Sargent S. Prentiss. County seat, Booneville.

QUITMAN—Organized in 1877. Formed out of parts of Coahoma, Panola and Tallahatchie. Named for John A. Quitman, a governor of Mississippi. County seat, Belen.

RANKIN—Organized in 1828. Formed out of that part of Hinds east of Pearl River. Named in memory of the Hon. Christopher Rankin, a member of the constitutional convention of 1817, and a representative in Congress. County seat, Brandon; named in honor of Governor Gerard C. Brandon.

SCOTT—Organized in 1833. Named in honor of Hon. Abram H. Scott, who afterwards became governor of the State. County seat, first Hillsboro, then Forest.

SHARKEY—Organized in 1876. Formed out of parts of Issaquena, Warren and Washington. Named for W. L. Sharkey, a distinguished chief justice of Mississippi. County seat, Rolling Fork.

SIMPSON—Organized in 1824. Formed out of a portion of Copiah. Named in memory of Hon. Josiah Simpson, a judge of Mississippi Territory, and an influential member of the constitutional convention of 1817. County seat, Mendenhall; named for Colonel Cato West, a territorial delegate to Congress from Mississippi.

SMITH—Organized in 1833. Named for Major David Smith, of Hinds county. County seat, Raleigh; named for Sir Walter Raleigh.

SUNFLOWER—Organized in 1844. County seat, first McNutt, second Johnsonville; at present, Indianola.

TALLAHATCHIE—Organized in 1833. Received an Indian name which means "Rock River." County seat, Charleston.

TATE—Organized in 1873. Formed out of parts of De Soto, Marshall and Tunica. County seat, Senatobia.

TIPPAH—Organized in 1836. Received an Indian name meaning "cut off." County seat, Ripley.

TISHOMINGO—Organized in 1836. When first organized it was the largest county in the State. Received an Indian name meaning "warrior chief." County seat, Iuka.

TUNICA—Organized in 1836. Derived its name from the Tunica Indians. The word Tunica in their language means "the people." County seat, Tunica.

UNION—Organized in 1870. Formed out of portions of Pontotoc and Tippah. County seat, New Albany.

WARREN—Organized in 1809. Named for Joseph Warren, a hero of the Revolution. County seat, Vicksburg; named in memory of a family by the name of Vick, some of whose descendants are still living in that city.

WASHINGTON—Organized in 1827. Formed out of parts of

Yazoo and Warren. Named in honor of the first President of the United States. Princeton was the first and Greenville the second county seat. Both of these places have been undermined by the Mississippi. The present town of Greenville, the county seat, was built near the old place of that name.

WAYNE—Organized in 1809. Named for General Anthony Wayne, a hero of the Revolution. Winchester was the first county seat; later it was Waynesboro.

WEBSTER—Organized in 1874. First named Sumner in honor of Charles Sumner, but in 1882 changed to Webster in memory of Daniel Webster, a great orator and statesman. County seat, Walthall; named in honor of General Edward Carey Walthall, late United States senator from Mississippi.

WILKINSON—Organized in 1802. Formed out of part of Adams. Named for General James Wilkinson, of the United States army. County seat, Woodville.

WINSTON—Organized in 1833. County seat, Louisville, which, together with the county, was named for Louis Winston, a distinguished citizen of the State.

YALOBUSHA—Organized in 1833. Received an Indian name, meaning "tad-pole place," which had been applied to a river running through its limits as originally constituted. County seats, Coffeerville (named for General John Coffee, one of the commissioners who represented the United States in arranging the treaties with the Choctaws in 1830 and with the Chickasaws in 1832), and Water Valley.

YAZOO—Organized in 1823. Named for the Yazoo tribe of Indians, who lived near the mouth of the Yazoo River. We are told that there is some uncertainty about the interpretation of this word. Some say it means "River of Death," others contend that it probably comes from another dialect, in which the word means "leaf." County seat, first Benton, then Yazoo City (first known as Hanan's Bluff, and later as Manchester).

GOVERNORS OF MISSISSIPPI

TERRITORIAL GOVERNORS

1798—Winthrop Sargent, native of Massachusetts.

1801—John Steele, secretary of territory, acting governor from April 3d until November 23d, Sargent being absent. William Charles Cole Claiborne, native of Virginia, succeeded Sargent, who was removed by President Jefferson.

1803—Cato West, secretary of the territory, acting governor from December 2, 1803, until October 1, 1804, when Claiborne resigned. Governor *ad interim* until January 26, 1805.

1805—Robert Williams, native of North Carolina.

1806—Cowles Mead, secretary of the territory, acting governor

from April 21, 1806, until February 6, 1807, Williams being absent.

1809—David Holmes, native of Pennsylvania, succeeded Williams, removed by President Madison.

GOVERNORS OF THE STATE

1817—David Holmes.

1820—George Poindexter, native of Virginia.

1822—Walter Leake, native of Virginia.

1825—Lieutenant-Governor Gerard C. Brandon, native of Mississippi succeeded Leake, resigned.

1826—David Holmes; Lieutenant-Governor Gerard C. Brandon succeeded Holmes, resigned.

1826—Gerard C. Brandon.

1832—Abram M. Scott, native of South Carolina.

1833—Charles Lynch, native of South Carolina; president of the Senate, succeeded Scott, deceased. Hiram G. Runnels, native of North Carolina.

1835—Runnels' term expired in November. Two weeks later John A. Quitman, native of New York, was elected president of the senate, and served as governor until January following.

1836—Charles Lynch.

1838—Alexander G. McNutt, native of Virginia.

1842—Tilghman M. Tucker, native of North Carolina.

1844—Albert Gallatin Brown, native of South Carolina.

1848—Joseph W. Matthews, native of Georgia.

1850—John I. Guion, native of Mississippi, president of the senate, succeeded Quitman, resigned; served until November 3d, when his term expired. James Whitfield was elected president of the senate November 25th, and served as governor until January following.

1852—Henry Stewart Foote, native of Virginia.

1854—John J. Pettus, native of Tennessee, president of the senate, succeeded Foote, resigned January 5th, and served until January 10th, when John J. McRae, native of Mississippi, was inaugurated.

1858—William McWillie, native of South Carolina.

1860—John J. Pettus.

1864—Charles Clarke, native of Ohio.

1865—William L. Sharkey, native of Tennessee, appointed as provisional governor in June to succeed Clarke, removed by Union soldiers; served until October, when he was succeeded by Benjamin G. Humphreys, native of Mississippi.

1868—Adelbert Ames, native of Maine, appointed as military governor to succeed Humphreys, removed by Union soldiers.

1870—James L. Alcorn, native of Illinois.

1871—Lieutenant-Governor R. C. Powers, native of Ohio, succeeded Alcorn, resigned.

1874—Adelbert Ames.

1876—John M. Stone, native of Tennessee, president of the senate, succeeded Ames, who resigned to prevent impeachment.

1882—Robert Lowry, native of South Carolina.

1890—John M. Stone.

1896—A. J. McLaurin, native of Mississippi.

1900—Andrew Houston Longino, native of Mississippi.

1904—James K. Vardaman, native of Texas.

1908—E. F. Noel, native of Mississippi.

JUDGES OF THE SUPREME COURT.*

1818—John Taylor (C. J.), William Shields, John P. Hampton, and Powhatan Ellis. Joshua G. Clarke succeeded Shields, resigned.

1821—Walter Leake succeeded Taylor, deceased, Hampton becoming chief justice.

1822—Richard Stockton succeeded Clarke, resigned; Louis Winston succeeded Shields, resigned.

1824—Edward Turner succeeded Winston, resigned.

1825—Joshua Child succeeded Stockton, resigned; Isaac Caldwell succeeded Ellis, resigned.

1826—John Black succeeded Caldwell.

1827—George Winchester succeeded Hampton, resigned.

1829—Harry Cage succeeded Winchester, resigned; Isaac R. Nicholson was appointed judge of the new district that was created; Turner became chief justice.

1831—Alexander Montgomery succeeded Child, resigned.

1832—William L. Sharkey succeeded Turner, resigned; George W. Smyth succeeded Cage resigned; Eli Houston succeeded Black, resigned. Name of court was changed to "High Court of Errors and Appeals," judges to be elected.

1833—William L. Sharkey (chief justice), Cotesworth P. Smith, and Daniel B. Wright.

1838—P. Rutulius R. Pray succeeded Smith; James F. Trotter succeeded Wright, resigned.

1840—Cotesworth P. Smith (by appointment) succeeded Pray, deceased; Edward Turner elected to succeed Pray.

*Mr. Smedes in the preface to his digest (1847) makes this note: "On application to the secretary of state, I found that no records had been kept of commissions to the different judges who had presided in the old Superior Court. It was impossible, therefore, to procure any accurate information from that office of the period of appointment and duration of office of the respective judges." This list is based upon Claiborne's *Mississippi*, Goodspeed's *Memoirs*, Lynch's *Bench and Bar*, and Walker's *Report*. In these accounts there are, however, conflicting statements.

- 1842—Reuben Davis (by appointment) succeeded Trotter, resigned; Alexander M. Clayton elected to succeed Davis.
- 1843—Joseph S. B. Thacher succeeded Turner.
- 1850—Cotesworth P. Smith succeeded Thacher.
- 1851—Collin S. Tarpley (by appointment) succeeded Sharkey, resigned; William Yerger elected to succeed Sharkey, Smith becoming chief justice.
- 1852—Ephraim S. Fisher succeeded Clayton.
- 1853—Alexander H. Handy succeeded Yerger.
- 1858—William L. Harris succeeded Fisher, resigned.
- 1863—David W. Hurst succeeded Smith, deceased, Handy becoming chief justice.
- 1866—Court reorganized with A. H. Handy chief justice, William L. Harris and Henry T. Ellett associates.
- 1868—Thomas G. Shackelford (chief justice), Ephraim G. Peyton, E. Jeffords, by appointment from a military commandant, succeeded the three supreme judges, resigned.
- 1870—Name of court changed to "Supreme Court of Mississippi," judges made appointive—E. G. Peyton (chief justice), H. T. Simrall, and Jonathan Tarbell.
- 1876—Hamilton H. Chalmers succeeded Peyton, deceased; J. A. P. Campbell succeeded Tarbell, Simrall becoming chief justice.
- 1879—James Z. George succeeded Simrall, resigned, and became chief justice.
- 1881—Timothy E. Cooper succeeded George, resigned to enter United States Senate, Chambers becoming chief justice.
- 1882—J. A. P. Campbell became chief justice, being senior associate.
- 1884—Timothy E. Cooper became chief justice.
- 1885—James M. Arnold succeeded Chalmers, deceased.
- 1888—J. M. Arnold became chief justice.
- 1889—Thomas H. Woods succeeded Arnold, resigned, becoming chief justice.
- 1891—J. A. P. Campbell became chief justice.
- 1891—Albert H. Whitfield succeeded Campbell, Cooper becoming chief justice.
- 1894—Albert H. Whitfield succeeded Campbell, Cooper becoming chief justice.
- 1896—Thomas R. Stockdale succeeded Cooper, resigned, Woods becoming chief justice.
- 1897—Samuel H. Terral succeeded Stockdale, Woods becoming chief justice.
- 1900—S. S. Calhoon succeeded Woods, resigned, Whitfield becoming chief justice.
- 1903—A. H. Whitfield reappointed and continued as chief justice.
- 1903—J. H. Price succeeded S. H. Terral, resigned. Jeff Truly succeeded J. H. Price, resigned.

- 1906—R. B. Mayes succeeded Judge Truly, whose term had expired.
1908—R. V. Fletcher filled unexpired term of Judge Calhoon, deceased.
1909—S. M. Smith appointed to succeed Judge Fletcher.

SUPERINTENDENTS OF PUBLIC EDUCATION

- 1870—Henry R. Pease.
1874—T. W. Cardozo (colored).
1876—Thomas S. Gathright appointed to succeed Cardozo, who resigned to prevent impeachment; Joseph Bardwell appointed to succeed Gathright, resigned.
1878—James A. Smith.
1886—J. R. Preston.
1896—A. A. Kincannon, resigned.
1898—Henry L. Whitfield.
1907—J. N. Powers.

UNITED STATES SENATORS

- 1817—Thomas H. Williams and Walter Leake.
1821—David Holmes succeeded Leake, resigned.
1825—Powhatan Ellis (by appointment) succeeded Holmes, resigned.
1826—Thomas B. Reed elected to fill out the term of Holmes.
1827—Powhatan Ellis succeeded Reed to Holmes' seat; Reed succeeded Williams.
1830—Robert H. Adams succeeded Reed, deceased; George Poindexter succeeded Adams, deceased.
1832—John Black (by appointment) succeeded Ellis, resigned.
1833—John Black elected for full term to take Ellis' seat.
1836—Robert J. Walker succeeded Poindexter.
1838—James F. Trotter succeeded Black, resigned; Thomas H. Williams (by appointment) succeeded Trotter, resigned.
1839—John Henderson elected for full term to Black's seat.
1845—Jesse Speight succeeded Henderson; Joseph W. Chalmers (by appointment) succeeded Walker, resigned.
1846—Joseph W. Chalmers elected to fill out unexpired term of Walker.
1847—Jefferson Davis (by appointment) succeeded Speight, deceased; H. S. Foote succeeded Chalmers.
1848—Jefferson Davis elected as Speight's successor.
1851—John J. McRae (by appointment) succeeded Davis, resigned.
1852—Stephen Adams elected for a full term to Davis' seat; Walter Brooke succeeded Foote, resigned.
1853—Albert G. Brown elected to fill out unexpired term of Brooke; retired January 12, 1861. (Mississippi having passed an ordinance of secession January 9th).

- 1857—Jefferson Davis succeeded Adams; retired January 12, 1861.
1870—Adelbert Ames and Hiram G. Revels (colored), first senators from Mississippi for more than nine years.
1871—James L. Alcorn succeeded Revels.
1874—Henry R. Pease succeeded Ames, resigned.
1875—Blanche K. Bruce (colored) succeeded Pease.
1877—L. Q. C. Lamar succeeded Alcorn.
1881—James Z. George succeeded Bruce.
1885—Edward C. Walthall (by appointment) succeeded Lamar, resigned; elected to fill out unexpired term of Lamar.
1889—Walthall elected for a full term to Lamar's seat.
1894—Anselm J. McLaurin elected to succeed Walthall, resigned.
1895—Walthall succeeded McLaurin.
1896—H. D. Money elected for a full term to succeed George, deceased.
1897—Money elected to fill out unexpired term of George.
1898—William V. Sullivan (by appointment) succeeded Walthall, deceased.
1900—Sullivan elected to fill out unexpired term of Walthall; A. J. McLaurin elected to succeed Sullivan for term beginning March, 1901.
1904—Money and McLaurin elected to succeed themselves.
1908—J. S. Williams elected to succeed Money.
1909—James Gordon appointed to succeed McLaurin, deceased.
1910—LeRoy Percy elected to fill out McLaurin's unexpired term.

TERRITORIAL DELEGATES IN CONGRESS FROM THE TERRITORY OF MISSISSIPPI

- 1801—Narsworthy Hunter.
1802—Thomas M. Green succeeded Hunter, deceased.
1803—Dr. William Lattimore.
1807—George Poindexter.
1813—Dr. William Lattimore.

REPRESENTATIVES FROM THE STATE OF MISSISSIPPI IN THE LOWER HOUSE OF CONGRESS

- 1817—George Poindexter.
1819—Christopher Rankin.
1821—Christopher Rankin.
1823—Christopher Rankin.
1825—Christopher Rankin.
1826—William Haile succeeded Rankin, deceased.
1827—William Haile.
1828—Thomas Hinds succeeded Haile, resigned.
1829—Thomas Hinds.
1831—Franklin E. Plummer.
1833—Franklin E. Plummer and Harry Cage.

- 1835—David Dixon and J. F. H. Claiborne.
1836—Samuel J. Gholson succeeded Dixon, deceased.
1837—J. F. H. Claiborne and Samuel J. Gholson elected for special session, but were seated for entire session of two years. S. S. Prentiss and Thomas J. Ward unseated them after the regular election in November, but were themselves refused seats.
1838—S. S. Prentiss and Thomas J. Ward elected at a special election.
1839—Albert G. Brown and Jacob Thompson.
1841—Jacob Thompson and William M. Gwin.
1843—Jacob Thompson, William M. Hammett, Tilghman M. Tucker, and R. W. Roberts.
1845—Jacob Thompson, R. W. Roberts, Jefferson Davis, and Stephen Adams.
1846—Henry T. Ellett succeeded Jefferson Davis, resigned.
1847—Jacob Thompson, A. G. Brown, W. S. Featherstone, and P. W. Tompkins.
1849—Jacob Thompson, A. G. Brown, W. S. Featherstone, and William McWillie.
1851—B. D. Nabors, John A. Wilcox, John D. Freeman, and A. G. Brown.
1853—William Barksdale, William S. Barry, Otho R. Singleton, Wiley P. Harris, and Daniel B. Wright.
1855—William Barksdale, Daniel B. Wright, William A. Lake, H. S. Bennett, and John A. Quitman.
1857—William Barksdale, Reuben Davis, L. Q. C. Lamar, Otho R. Singleton, and John A. Quitman.
1858—John J. McRae succeeded Quitman, deceased.
1859—William Barksdale, Reuben Davis, L. Q. C. Lamar, Otho R. Singleton, and John J. McRae. Lamar resigned December, 1860, to become a candidate for election to the secession convention. The other members retired January 12, 1861. Mississippi passed an ordinance of secession January 9th.
1870—George E. Harris, J. L. Morphis, H. W. Barry, George C. McKee, and L. W. Perce were the first representatives from Mississippi since the War between the States. These representatives were elected on November 30 and December 1, 1869, to fill the vacancies then existing and for a full term beginning March, 1871. They all, except Barry, took their seats for the first time February 23, 1870. Barry was seated April 8th.
1873—L. Q. C. Lamar, A. R. Howe, H. W. Barry, Jason Niles, and George C. McKee.
1875—L. Q. C. Lamar, G. Wiley Wells, Hernando D. Money, Otho R. Singleton, Charles E. Hooker, and John R. Lynch (colored).

- 1877—Henry L. Muldrow, Van H. Manning, H. D. Money, Otho R. Singleton, Charles E. Hooker, and James R. Chalmers.
- 1879—Henry L. Muldrow, Van H. Manning, H. D. Money, Otho R. Singleton, Charles E. Hooker, and James R. Chalmers.
- 1881—Henry L. Muldrow, Van H. Manning, H. D. Money, Otho R. Singleton, Charles E. Hooker, and John R. Lynch (colored).
- 1883—Henry L. Muldrow, Van H. Manning, E. Jeffords, H. D. Money, Otho R. Singleton, H. S. Van Eaton, Ethelbert Barksdale.
- 1884—James R. Chalmers, unseated Manning after a contest June 25th.
- 1885—John M. Allen, James B. Morgan, Thomas C. Catchings, F. G. Barry, Otho R. Singleton, H. S. Van Eaton, and Ethelbert Barksdale.
- 1887—John M. Allen, James B. Morgan, Thomas C. Catchings, F. G. Barry, C. L. Anderson, Thomas R. Stockdale, and Charles E. Hooker.
- 1889—John M. Allen, James B. Morgan, Thomas C. Catchings, Clarke Lewis, C. L. Anderson, Thomas R. Stockdale, and Charles E. Hooker.
- 1891—John M. Allen, John C. Kyle, Thomas C. Catchings, Clarke Lewis, Joseph H. Beeman, Thomas R. Stockdale, and Charles E. Hooker.
- 1893—John M. Allen, John C. Kyle, Thomas C. Catchings, H. D. Money, John S. Williams, Thomas R. Stockdale, Charles E. Hooker.
- 1895—John M. Allen, John C. Kyle, Thomas C. Catchings, H. D. Money, John S. Williams, Walter M. Denny, James G. Spencer.
- 1897—John M. Allen, William V. Sullivan, Thomas C. Catchings, Andrew F. Fox, John S. Williams, William F. Love, Patrick Henry.
- 1898—Thomas Spight succeeded Sullivan, resigned; Frank A. McLain succeeded Love, deceased.
- 1899—John M. Allen, Thomas Spight, Thomas C. Catchings, Andrew F. Fox, John S. Williams, Frank A. McLain, Patrick Henry.
- 1901—E. S. Candler, Jr., Thomas Spight, Patrick Henry, Andrew Fuller Fox, John S. Williams, Frank A. McLain, Charles E. Hooker.
- 1903—E. S. Candler, Jr., Thomas Spight, B. G. Humphreys, W. S. Hill, A. M. Byrd, E. J. Bowers, Frank A. McLain, John S. Williams.
- 1905—E. S. Candler, Jr., Thomas Spight, B. G. Humphreys, W. S. Hill, A. M. Byrd, E. J. Bowers, Frank A. McLain, John S. Williams.
- 1907—E. S. Candler, Jr., Thomas Spight, B. G. Humphreys, W. S.

Hill, A. M. Byrd, E. J. Bowers, Frank A. McLain, John S. Williams.

1909—E. S. Candler, Jr., Thomas Spight, B. G. Humphreys, T. U. Sisson, A. M. Byrd, E. J. Bowers, W. A. Dickson, J. W. Collier.

SENATORS FROM MISSISSIPPI IN THE CONFEDERATE CONGRESS

1862—Albert Gallatin Brown and James Phelan.

1864—Albert Gallatin Brown and John W. C. Watson.

REPRESENTATIVES IN THE CONFEDERATE CONGRESS

1862—Ethelbert Barksdale, Henry C. Chambers, J. W. Clapp, Reuben Davis, John J. McRae, Otho R. Singleton, Israel Welsh.

1864—Ethelbert Barksdale, Henry C. Chambers, W. D. Holder, John T. Lamkin, Jehu A. Orr, Otho R. Singleton, Israel Welsh.

THE CONSTITUTION OF THE STATE OF MISSISSIPPI

ADOPTED NOVEMBER 1, A. D. 1890

We, the people of Mississippi, in convention assembled, grateful to Almighty God, and invoking his blessing on our work, do ordain and establish this constitution.

ARTICLE I.—DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit: those which are legislative to one; those which are judicial to another; and those which are executive to another.

SECTION 2. No person or collection of persons, being one, or belonging to one, of these departments, shall exercise any power properly belonging to either of the others. The acceptance of an office in either of said departments shall, of itself, and at once, vacate any and all offices held by the person so accepting in either of the other departments.

ARTICLE II.—BOUNDARIES OF THE STATE.

SECTION 3. The limits and boundaries of the State of Mississippi are as follows, to wit: Beginning on the Mississippi River (meaning thereby the centre of said river or thread of the stream) where the southern boundary line of the State of Tennessee strikes the same, as run by B. A. Ludlow, D. W. Connelly, and W. Petrie, commissioners appointed for that purpose on the part of the State of Mississippi in A. D. 1837, and J. D. Graham and Austin Miller, commissioners appointed for that purpose on the part of the State of Tennessee; thence east along the said boundary line of the State of Tennessee to a point on the west bank of the Tennessee River, six four-pole chains south of and above the mouth of Yellow Creek; thence up the said river to the mouth of Bear Creek; thence by a direct line to what was formerly the northwest corner of the county of Washington, Alabama; thence on a direct line to a point ten miles east of the Pascagoula River on the Gulf of Mexico; thence westwardly, including all the

islands within six leagues of the shore, to the most eastern junction of Pearl River with Lake Borgne; thence up said Pearl River to the thirty-first degree of north latitude; thence west along said degree of latitude to the middle or thread of the stream of the Mississippi River; thence up the middle of the Mississippi River, or thread of the stream, to the place of beginning, including all islands lying east of the thread of the stream of said river, and also including all lands which were at any time heretofore a part of this State.

SECTION 4. The legislature shall have power to consent to the acquisition of additional territory by this State and to make the same a part thereof; and the legislature may settle disputed boundaries between this State and its coterminous States whenever such disputes arise.

ARTICLE III.—BILL OF RIGHTS.

SECTION 5. All political power is vested in, and derived from, the people; all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

SECTION 6. The people of this State have the inherent, sole, and exclusive right to regulate the internal government and police thereof, and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness; provided, such change be not repugnant to the Constitution of the United States.

SECTION 7. The right to withdraw from the Federal Union, on account of any real or supposed grievance, shall never be assumed by this State, nor shall any law be passed in derogation of the paramount allegiance of the citizens of this State to the government of the United States.

SECTION 8. All persons resident in this State, citizens of the United States, are hereby declared citizens of the State of Mississippi.

SECTION 9. The military shall be in strict subordination to the civil power.

SECTION 10. Treason against the State shall consist only in levying war against the same or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SECTION 11. The right of the people peaceably to assemble and petition the government on any subject shall never be impaired.

SECTION 12. The right of every citizen to keep and bear arms in defence of his home, person, or property, or in aid of the civil power when thereto legally summoned, shall not be called in question; but the legislature may regulate or forbid carrying concealed weapons.

SECTION 13. The freedom of speech and of the press shall be held sacred, and in all prosecutions for libel the truth may be

given in evidence, and the jury shall determine the law and the facts under the direction of the court; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.

SECTION 14. No person shall be deprived of life, liberty, or property, except by due process of law.

SECTION 15. There shall be neither slavery nor involuntary servitude in this State otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

SECTION 16. Ex post facto laws, or laws impairing the obligation of contracts shall not be passed.

SECTION 17. Private property shall not be taken or damaged for public use except on due compensation being first made to the owner or owners thereof in a manner to be prescribed by law; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be a judicial question, and as such determined without regard to legislative assertion that the use is public.

SECTION 18. No religious test as a qualification for office shall be required; and no preference shall be given by law to any religious sect, or mode of worship; but the free enjoyment of all religious sentiments and the different modes of worship shall be held sacred. The rights hereby secured shall not be construed to justify acts of licentiousness injurious to morals or dangerous to the peace and safety of the State, or to exclude the Holy Bible from use in any public school of this State.

SECTION 19. Human life shall not be imperilled by the practice of duelling; and any citizen of this State who shall hereafter fight a duel, or assist in the same as second, or send, accept, or knowingly carry a challenge therefor, whether such act be done in the State or out of it, or who shall go out of the State to fight a duel, or to assist in the same as second, or to send, accept, or carry a challenge, shall be disqualified from holding any office under this constitution, and shall be disfranchised.

SECTION 20. No person shall be elected or appointed to office in this State for life or during good behavior, but the term of all offices shall be for some specified period.

SECTION 21. The privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it, nor ever without the authority of the legislature.

SECTION 22. No person's life or liberty shall be twice placed in jeopardy for the same offence; but there must be an actual acquittal or conviction on the merits to bar another prosecution.

SECTION 23. The people shall be secure in their persons, houses, and possessions, from unreasonable seizure or search; and no warrant shall be issued without probable cause, supported by oath or affirmation, specially designating the place to be searched and the person or thing to be seized.

SECTION 24. All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice shall be administered without sale, denial, or delay.

SECTION 25. No person shall be debarred from prosecuting or defending any civil cause, for or against him or herself, before any tribunal in this State, by him or herself, or counsel, or both.

SECTION 26. In all criminal prosecutions the accused shall have a right to be heard by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county where the offence was committed; and he shall not be compelled to give evidence against himself; but in prosecutions for rape, adultery, fornication, sodomy, or the crime against nature, the court may in its discretion exclude from the court room all persons except such as are necessary in the conduct of the trial.

SECTION 27. No person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, or by leave of the court for misdemeanor in office; but the legislature, in cases not punishable by death or by imprisonment in the penitentiary, may dispense with the inquest of the grand jury, and may authorize prosecutions before justices of the peace, or such other inferior court or courts as may be established, and the proceedings in such cases shall be regulated by law.

SECTION 28. Cruel or unusual punishment shall not be inflicted, nor excessive fines be imposed.

SECTION 29. Excessive bail shall not be required; and all persons shall, before conviction, be bailable by sufficient sureties, except for capital offences when the proof is evident or presumption great.

SECTION 30. There shall be no imprisonment for debt.

SECTION 31. The right of trial by jury shall remain inviolate.

SECTION 32. The enumeration of rights in this constitution shall not be construed to deny or impair others retained by, and inherent in, the people.

ARTICLE IV.—LEGISLATIVE DEPARTMENT.

SECTION 33. The legislative power of this State shall be vested in the legislature, which shall consist of a senate and a house of representatives.

SECTION 34. The house of representatives shall consist of members chosen every four years by the qualified electors of the several counties and the representative districts.

SECTION 35. The senate shall consist of members to be chosen every four years by the qualified electors of the several districts.

SECTION 36. The legislature shall meet at the seat of government in regular session, on the first Tuesday after the first Monday in January of the year A. D. 1892, and every four years thereafter; and in special session on the first Tuesday after the first Monday in January of the year A. D. 1894, and every four years thereafter, unless sooner convened by the governor. The special sessions shall not continue longer than thirty days unless the governor, deeming the public interest to require it, shall extend the sitting, by proclamation in writing, to be sent to and entered upon the journals of each house, for a specific number of days, and then it may continue in session to the expiration of that time. At such special sessions the members shall receive not more compensation or salary than ten cents mileage, and a per diem of not exceeding five dollars; and none but appropriation and revenue bills shall be considered, except such other matters as may be acted upon at an extraordinary session called by the governor.

SECTION 37. Elections for members of the legislature shall be held in the several counties and districts as provided by law.

SECTION 38. Each house shall elect its own officers, and shall judge of the qualifications, return, and election of its own members.

SECTION 39. The senate shall choose a president pro tempore to act in the absence or disability of its presiding officer.

QUALIFICATIONS AND PRIVILEGES OF LEGISLATORS.

SECTION 40. Members of the legislature before entering upon the discharge of their duties shall take the following oath: "I, ———, do solemnly swear (or affirm) that I will faithfully support the Constitution of the United States and of the State of Mississippi; that I am not disqualified from holding office by the constitution of this State; that I will faithfully discharge my duties as a legislator; that I will, as soon as practicable hereafter, carefully read (or have read to me) the constitution of this State, and will endeavor to note, and, as a legislator, to execute all the requirements thereof imposed on the legislature; and I will not vote for any measure or person because of a promise of any other member of this legislature to vote for any measure or person, or as a means of influencing him or them so to do. So help me God."

SECTION 41. No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years, and who shall not be a qualified elector of the State, and who shall not have been a resident citizen of the State four years, and of the county two years, immediately preceding his election. The seat of a member of the house of representatives shall be vacated on his removal from the county or flitorial district from which he was elected.

SECTION 42. No person shall be a senator who shall not have attained the age of twenty-five years, who shall not have been a qualified elector of the State four years, and who shall not be

an actual resident of the district or territory he may be chosen to represent, for two years before his election. The seat of a senator shall be vacated upon his removal from the district from which he was elected.

SECTION 43. No person liable as principal for public moneys unaccounted for shall be eligible to a seat in either house of the legislature, or to any office of profit or trust, until he shall have accounted for and paid over all sums for which he may have been liable.

SECTION 44. No person shall be eligible to a seat in either house of the legislature, or to any office of profit or trust, who shall have been convicted of bribery, perjury, or other infamous crime; and any person who shall have been convicted of giving, or offering, directly or indirectly, any bribe to procure his election or appointment; and any person who shall give or offer any bribe to procure the election or appointment of any person to office, shall, on conviction thereof, be disqualified from holding any office of profit or trust under the laws of this State.

SECTION 45. No senator or representative during the term for which he was elected shall be eligible to any office of profit which shall have been created, or the emoluments of which have been increased, during the time such senator or representative was in office, except to such offices as may be filled by an election of the people.

SECTION 46. The members of the legislature shall severally receive from the State treasury compensation for their services, to be prescribed by law, which may be increased or diminished, but no alteration of such compensation of members shall take effect during the session at which it is made.

SECTION 47. No member of the legislature shall take any fee or reward, or be counsel in any measure pending before either house of the legislature, under penalty of forfeiting his seat, upon proof thereof to the satisfaction of the house of which he is a member.

SECTION 48. Senators and representatives shall in all cases, except treason, felony, theft, or breach of the peace, be privileged from arrest during the session of the legislature, and for fifteen days before the commencement and after the termination of each session.

TRIAL OF OFFICERS, ETC.

SECTION 49. The house of representatives shall have the sole power of impeachment; but two-thirds of all the members present must concur therein. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be sworn to do justice according to law and the evidence.

SECTION 50. The governor, and all other civil officers of this State, shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office.

SECTION 51. Judgment in such cases shall not extend further

than removal from office, and disqualification to hold any office of honor, trust, or profit in this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment according to law.

SECTION 52. When the governor shall be tried, the chief justice of the supreme court shall preside; and when the chief justice is disabled, disqualified, or refuses to act, the judge of the Supreme Court, next oldest in commission, shall preside; and no person shall be convicted without the concurrence of two-thirds of all the senators present.

SECTION 53. For reasonable cause, which shall not be sufficient ground of impeachment, the governor shall, on the joint address of two-thirds of each branch of the legislature, remove from office the judges of the supreme and inferior courts; but the cause or causes of removal shall be spread on the journal, and the party charged be notified of the same and have an opportunity to be heard by himself or counsel, or both, before the vote is finally taken and decided.

RULES OF PROCEDURE.

SECTION 54. A majority of each house shall constitute a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each shall provide.

SECTION 55. Each house may determine rules of its own proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the members present, expel a member; but no member, unless expelled for theft, bribery, or corruption, shall be expelled a second time for the same offence. Both houses shall, from time to time, publish journals of their proceedings, except such parts as may in their opinion require secrecy; and the yeas and nays, on any question, shall be entered on the journal, at the request of one-tenth of the members present; and the yeas and nays shall be entered on the journal on the final passage of every bill.

SECTION 56. The style of the laws of the State shall be: "Be it enacted by the legislature of the State of Mississippi."

SECTION 57. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 58. The doors of each house, when in session, or in committee of the whole, shall be kept open, except in cases which may require secrecy; and each house may punish, by fine and imprisonment, any person not a member who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence, or who shall in any way disturb its deliberations during the session; but such imprisonment shall not extend beyond the final adjournment of that session.

SECTION 59. Bills may originate in either house and be amended or rejected in the other; and every bill shall be read on three

different days in each house, unless two-thirds of the house where the same is pending shall dispense with the rules; and every bill shall be read in full immediately before the vote on its final passage; and every bill, having passed both houses, shall be signed by the president of the senate and the speaker of the house of representatives, in open session; but, before either shall sign any bill, he shall give notice thereof, suspend business in the house over which he presides, have the bill read by its title, and on the demand of any member have the bill read in full; and all such proceedings shall be entered on the journal.

SECTION 60. No bill shall be so amended in its passage through either house as to change its original purpose, and no law shall be passed except by bill; but orders, votes, and resolutions of both houses affecting the prerogatives and duties thereof, or relating to adjournment, to amendments to the constitution, to the investigation of public officers, and the like, shall not require the signature of the governor; and such resolutions, orders, and votes may empower legislative committees to administer oaths, to send for persons and papers, and generally make legislative investigations effective.

SECTION 61. No law shall be revised or amended by reference to its title only, but the section or sections as amended or revived shall be inserted at length.

SECTION 62. No amendment to bills by one house shall be concurred in by the other, except by a vote of a majority thereof, taken by yeas and nays, and the names of those voting for and against recorded upon the journals; and reports of committees of reference shall in like manner be adopted in each house.

SECTION 63. No appropriation bill shall be passed by the legislature which does not fix definitely the maximum sum thereby authorized to be drawn from the treasury.

SECTION 64. No bill passed after the adoption of this constitution to make appropriations of money out of the State treasury, shall continue in force more than six months after the meeting of the legislature at its next regular session; nor shall such bill be passed except by the votes of a majority of all the members elected to each house of the legislature.

SECTION 65. All votes on the final passage of any measure shall be subject to reconsideration for at least one whole legislative day, and no motion to reconsider such vote shall be disposed of adversely on the day on which the original vote was taken, except on the last day of the session.

SECTION 66. No law granting a donation, or gratuity, in favor of any person or object, shall be enacted, except by the concurrence of two-thirds of each branch of the legislature, nor by any vote for a sectarian purpose or use.

SECTION 67. No new bill shall be introduced into either house of the legislature during the last three days of the session.

SECTION 68. Appropriation and revenue bills shall, at regular sessions of the legislature, have precedence in both houses over

all other business, and no such bills shall be passed during the last five days of the session.

SECTION 69. General appropriation bills shall contain only the appropriations to defray the ordinary expenses of the executive, legislative, and judicial departments of the government, to pay interest on State bonds, and to support the common schools. All other appropriations shall be made by separate bills, each embracing but one subject. Legislation shall not be engrafted on appropriation bills, but the same may prescribe the conditions on which the money may be drawn, and for what purposes paid.

SECTION 70. No revenue bill nor any bill providing for assessments of property for taxation shall become a law, except by a vote of at least three-fifths of the members of each house present and voting.

SECTION 71. Every bill introduced into the legislature shall have a title, and the title ought to indicate clearly the subject matter, or matters, of the proposed legislation. Each committee to which a bill may be referred shall express in writing its judgment of the sufficiency of the title of the bill, and this, too, whether the recommendation be that the bill do pass or do not pass.

SECTION 72. Every bill which shall pass both houses shall be presented to the governor of the State. If he approve, he shall sign it; but, if he does not approve, he shall return it, with his objection, to the house in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which, likewise, it shall be reconsidered, and, if approved by two-thirds of that house, it shall become a law; but in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sunday excepted) after it has been presented to him, it shall become a law, in like manner as if he had signed it, unless the legislature, by adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after the beginning of the next session of the legislature. No bill shall be approved when the legislature is not in session.

SECTION 73. The governor may veto parts of any appropriation bill, and approve parts of the same, and the portions approved shall be law.

SECTION 74. No bill shall become a law until it shall have been referred to a committee of each house and returned therefrom with a recommendation in writing.

SECTION 75. No law of a general nature, unless therein otherwise provided, shall be enforced until sixty days after its passage.

SECTION 76. In all elections by the legislature the members shall vote *viva voce* , and the votes shall be entered on the journals.

SECTION 77. The governor shall issue writs of election to fill

such vacancies as may occur in either house of the legislature, and the persons thereupon chosen shall hold their seats for the unexpired term.

INJUNCTIONS.

SECTION 78. It shall be the duty of the legislature to regulate by law the cases in which deductions shall be made from salaries of public officers for neglect of official duty, and the amount of said deduction.

SECTION 79. The legislature shall provide by law for the sale of all delinquent tax lands. The courts shall apply the same liberal principles in favor of such titles as in sale by execution. The right of redemption from all sales of real estate for the non-payment of taxes, or special assessments, of any and every character whatsoever, shall exist, on conditions to be prescribed by law, in favor of owners and persons interested in such real estate, for a period of not less than two years.

SECTION 80. Provision shall be made by general laws to prevent the abuse by cities, towns, and other municipal corporations of their powers of assessment, taxation, borrowing money, and contracting debts.

SECTION 81. The legislature shall never authorize the permanent obstruction of any of the navigable waters of this State, but may provide for the removal of such obstructions as now exist, whenever the public welfare demands; this section shall not prevent the construction, under proper authority, of drawbridges for railroads, or other roads, nor the construction of "booms and chutes" for logs in such manner as not to prevent the safe passage of vessels, or logs, under regulations to be provided by law.

SECTION 82. The legislature shall fix the amount of the penalty of all official bonds, and may, as far as practicable, provide that the whole or a part of the security required for the faithful discharge of official duty shall be made by some guarantee company or companies.

SECTION 83. The legislature shall enact laws to secure the safety of persons from fires in hotels, theatres, and other public places of resort.

SECTION 84. The legislature shall enact laws to limit, restrict, or prevent the acquiring and holding of land in this State by non-resident aliens, and may limit or restrict the acquiring or holding of lands by corporations.

SECTION 85. The legislature shall provide by general law for the working of public roads by contract or by county prisoners, or both. Such law may be put in operation only by a vote of the board of supervisors in those counties where it may be desirable.

SECTION 86. It shall be the duty of the legislature to provide by law for the treatment and care of the insane; and the legislature may provide for the care of the indigent sick in the hospitals in the State.

LOCAL LEGISLATION.

SECTION 87. No special or local law shall be enacted for the benefit of individuals or corporations in cases which are or can be provided for by a general law, or where the relief sought can be given by any court of this State; nor shall the operation of any general law be suspended by the legislature for the benefit of any individual or private corporation or association, and in all cases where a general law can be made applicable, and would be advantageous, no special law shall be enacted.

SECTION 88. The legislature shall pass general laws, under which local and private interests shall be provided for and protected, and under which cities and towns may be chartered and their charters amended, and under which corporations may be created, organized, and their acts of incorporation altered; and all such laws shall be subject to repeal or amendment.

SECTION 89. There shall be appointed in each house of the legislature a standing committee on local and private legislation; the house committee to consist of seven representatives, and the senate committee of five senators. No local or private bill shall be passed by either house until it shall have been referred to said committee thereof, and shall have been reported back with a recommendation in writing that it do pass, stating affirmatively the reasons therefor, and why the end to be accomplished should not be reached by a general law, or by a proceeding in court; or if the recommendation of the committee be that the bill do not pass, then it shall not pass the house to which it is so reported unless it be voted for by a majority of all the members elected thereto. If a bill is passed in conformity to the requirements hereof, other than such as are prohibited in the next section, the courts shall not, because of its local, special, or private nature, refuse to enforce it.

SECTION 90. The legislature shall not pass local, private, or special laws in any of the following enumerated cases, but such matters shall be provided for only by general laws, viz.:

- (a) Granting divorces.
- (b) Changing the names of persons, places, or corporations.
- (c) Providing for changes of venue in civil and criminal cases.
- (d) Regulating the rate of interest on money.
- (e) Concerning the settlement or administration of any estate, or the sale or mortgage of any property, of any infant, or of a person of unsound mind, or of any deceased person.
- (f) The removal of the disability of infancy.
- (g) Granting to any person, corporation, or association, the right to have any ferry, bridge, road, or fish-trap.
- (h) Exemption of property from taxation, or from levy or sale.
- (i) Providing for the adoption or legitimation of children.
- (j) Changing the law of descent and distribution.
- (k) Exempting any person from jury, road, or other civil

duty (and no person shall be exempted therefrom by force of any local or private law).

(l) Laying out, opening, altering, and working roads and highways.

(m) Vacating any road or highway, town plat, street, alley, or public grounds.

(n) Selecting, drawing, summoning, or empanelling grand or petit juries.

(o) Creating, increasing, or decreasing the fees, salary, or emoluments of any public officer.

(p) Providing for the management or support of any private or common school, incorporating the same, or granting such school any privileges.

(q) Relating to stock laws, water-courses, and fences.

(r) Conferring the power to exercise the right of eminent domain, or granting to any person, corporation, or association the right to lay down railroad tracks, or street car tracks, in any other manner than that prescribed by general law.

(s) Regulating the practice in courts of justice.

(t) Providing for the creation of districts for the election of justices of the peace and constables.

(u) Granting any lands under control of the State to any person or corporation.

PROHIBITIONS.

SECTION 91. The legislature shall not enact any law for one or more counties, not applicable to all the counties in the State, increasing the uniform charge for the registration of deeds, or regulating costs and charges and fees of officers.

SECTION 92. The legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

SECTION 93. The legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

SECTION 94. The legislature shall never create by law any distinction between the rights of men and women to acquire, own, enjoy, and dispose of property of all kinds, or their power to contract in reference thereto. Married women are hereby fully emancipated from all disability on account of coverture. But this shall not prevent the legislature from regulating contracts between husband and wife; nor shall the legislature be prevented from regulating the sale of homesteads.

SECTION 95. Lands belonging to, or under the control of, the State shall never be donated directly, or indirectly, to private corporations or individuals, or to railroad companies. Nor shall such land be sold to corporations or associations for a less price than that for which it is subject to sale to individuals. This, however, shall not prevent the legislature from granting a right of way, not exceeding one hundred feet in width, as a mere easement, to railroads across State land, and the legislature shall

never dispose of the land covered by said right of way so long as such easement exists.

SECTION 96. The legislature shall never grant extra compensation, fee, or allowance to any public officer, agent, servant, or contractor, after service rendered, or contract made, nor authorize payment, or part payment, of any claim under any contract, not authorized by law; but appropriations may be made for expenditures in repelling invasion, preventing or suppressing insurrections.

SECTION 97. The legislature shall have no power to revive any remedy which may have become barred by lapse of time, or by any statute of limitation of this State.

SECTION 98. No lottery shall ever be allowed, or be advertised by newspapers, or otherwise, or its tickets be sold in this State; and the legislature shall provide by law for the enforcement of this provision; nor shall any lottery heretofore authorized be permitted to be drawn or its tickets sold.

SECTION 99. The legislature shall not elect any other than its own officers, State librarian, and United States senators; but this section shall not prohibit the legislature from appointing presidential electors.

SECTION 100. No obligation or liability of any person, association, or corporation held or owned by this State, or levee board, or any county, city, or town thereof, shall ever be remitted, released, or postponed, or in any way diminished by the legislature, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value; but this shall not be construed to prevent the legislature from providing by general law for the compromise of doubtful claims.

SECTION 101. The seat of government of the State shall be at the city of Jackson, and shall not be removed or relocated without the assent of a majority of the electors of the State.

MISCELLANEOUS.

SECTION 102. All general elections for State and county officers shall commence and be holden every four years, on the first Tuesday after the first Monday in November, until altered by law; and the electors, in all cases except in cases of treason, felony, and breach of the peace, shall be privileged from arrest during their attendance at elections and in going to and returning therefrom.

SECTION 103. In all cases not otherwise provided for in this constitution, the legislature may determine the mode of filling all vacancies, in all offices, and in cases of emergency provisional appointments may be made by the governor, to continue until the vacancy is regularly filled; and the legislature shall provide suitable compensation for all officers, and shall define their respective powers.

SECTION 104. Statutes of limitation in civil cases shall not run against the State, or any subdivision or municipal corporation thereof.

SECTION 105. The legislature shall provide for the enumeration of the whole number of inhabitants, and the qualified electors of the State, once in every ten years; and the first enumeration shall be made during the two months beginning on the first Monday of June, 1895, and the legislature shall provide for the same by law.

SECTION 106. There shall be a State librarian, to be chosen by the legislature, on joint vote of the two houses, to serve for four years, whose duties and compensation shall be prescribed by law. Any woman, a resident of the State four years, and who has attained the age of twenty years, shall be eligible to said office.

SECTION 107. All stationery, printing, paper, and fuel, used by the legislature and other departments of the government, shall be furnished; and the printing and binding of the laws, journals, department reports, and other printing and binding, and the repairing and furnishing the halls and rooms used for the meeting of the legislature, and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum and under such regulations as may be prescribed by law. No member of the legislature or officer of any department shall be in any way interested in such contract; and all such contracts shall be subject to the approval of the governor and State treasurer.

SECTION 108. Whenever the legislature shall take away the duties pertaining to any office, then the salary of the officer shall cease.

SECTION 109. No public officer or member of the legislature shall be interested directly or indirectly in any contract with the State, or any district, county, city, or town thereof, authorized by any law passed or order made by any board of which he may be or may have been a member, during the term for which he shall have been chosen, or within one year after the expiration of such term.

SECTION 110. The legislature may provide, by general law, for condemning rights of way for private roads, where necessary for ingress and egress by the party applying, on due compensation being first made to the owner of the property; but such rights of way shall not be provided for in incorporated cities and towns.

SECTION 111. All lands comprising a single tract sold in pursuance of decree of court, or execution, shall be first offered in subdivisions not exceeding one hundred and sixty acres, or one-quarter section, and then offered as an entirety, and the price bid for the latter shall control only when it shall exceed the aggregate of the bids for the same in subdivisions as aforesaid; but the chancery court, in cases before it, may decree otherwise if deemed advisable to do so.

SECTION 112. Taxation shall be uniform and equal throughout

the State. Property shall be taxed in proportion to its value. The legislature may, however, impose a tax per capita upon such domestic animals as from their nature and habits are destructive of other property. Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value. But the legislature may provide for a special mode of valuation and assessment for railroads, and railroad and other corporate property, or for particular species of property belonging to persons, corporations, or associations not situated wholly in one county. But all such property shall be assessed at its true value, and no county shall be denied the right to levy county and special taxes upon such assessment, as in other cases of property situated and assessed in the county.

SECTION 113. The auditor shall, within sixty days after the adjournment of the legislature, prepare and publish a full statement of all money expended at such session, specifying the items and amount of each item, and to whom and for what paid; and he shall also publish the amounts of all appropriations.

SECTION 114. Returns of all elections by the people shall be made to the secretary of state in such manner as shall be provided by law.

SECTION 115. The fiscal year of the State of Mississippi shall commence on the first of October, and end on the thirtieth day of September of each year; and the auditor of public accounts and the treasurer of the State shall compile, and have published, a full and complete report, showing the transactions of their respective offices on or before the thirty-first day of December of each year for the preceding fiscal year.

ARTICLE V.—EXECUTIVE.

SECTION 116. The chief executive power of this State shall be vested in a governor, who shall hold his office for four years, and who shall be ineligible as his immediate successor in office.

SECTION 117. The governor shall be at least thirty years of age, and shall have been a citizen of the United States twenty years, and shall have resided in this State five years next preceding the day of his election.

SECTION 118. The governor shall receive for his services such compensation as may be fixed by law, which shall neither be increased nor diminished during his term of office.

SECTION 119. The governor shall be commander-in-chief of the army and navy of the State, and of the militia, except when they shall be called into the service of the United States.

SECTION 120. The governor may require information, in writing, from the officers in the executive departments of the State on any subject relating to the duties of their respective offices.

SECTION 121. The governor shall have power to convene the legislature in extraordinary session whenever in his judgment the public interest requires it. Should the governor deem it necessary to convene the legislature, he shall do so by public proclamation,

in which he shall state the subjects and matters to be considered by the legislature when so convened; and the legislature when so convened, as aforesaid, shall have no power to consider or act upon subjects or matters other than those designated in the proclamation of the governor, by which the session is called, except impeachments, and examination into the accounts of State officers. The legislature when so convened may also act on and consider such other matters as the governor may in writing submit to them while in session. The governor may convene the legislature at the seat of government, or at a different place if that shall become dangerous from an enemy or from disease; and in case of a disagreement between the two houses, with respect to time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the legislature.

SECTION 122. The governor shall, from time to time, give the legislature information of the state of the government, and recommend for consideration such measures as may be deemed necessary and expedient.

SECTION 123. The governor shall see that the laws are faithfully executed.

SECTION 124. In all criminal and penal cases, excepting those of treason and impeachment, the governor shall have power to grant reprieves and pardons, to remit fines, and in cases of forfeiture to stay the collection until the end of the next session of the legislature, and by and with the consent of the senate to remit forfeitures. In cases of treason, he shall have power to grant reprieves, by and with the consent of the senate, but may respite the sentence until the end of the next session of the legislature; but no pardon shall be granted before conviction, and in cases of felony after conviction no pardon shall be granted until the applicant therefor shall have published for thirty days, in some newspaper in the county where the crime was committed, and in case there be no newspaper published in said county, then in an adjoining county, his petition for pardon, setting forth therein the reasons why such pardon should be granted.

SECTION 125. The governor shall have the power, and it is hereby made his duty, to suspend alleged defaulting State and county treasurers and defaulting tax collectors, pending the investigation of their respective accounts, and to make temporary appointments of proper persons to fill the offices while such investigations are being made, and the legislature shall provide for the enforcement of this provision by appropriate legislation.

SECTION 126. There shall be a seal of the State kept by the governor, and used by him officially, and be called the great seal of the State of Mississippi.

SECTION 127. All commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the great seal of State, and be signed by the governor, and attested by the secretary of state.

SECTION 128. There shall be a lieutenant-governor, who shall

be elected at the same time, in the same manner, and for the same term, and who shall possess the same qualifications as required of the governor.

SECTION 129. The lieutenant-governor shall, by virtue of his office, be president of the senate. In committee of the whole, he may debate all questions, and when there is an equal division in the senate, or on a joint vote of both houses, he shall give the casting vote.

SECTION 130. The lieutenant-governor shall receive for his services the same compensation as the speaker of the house of representatives.

SECTION 131. When the office of governor shall become vacant, by death or otherwise, the lieutenant-governor shall possess the powers and discharge the duties of said office. When the governor shall be absent from the State, or unable from protracted illness to perform the duties of the office, the lieutenant-governor shall discharge the duties of said office until the governor be able to resume his duties; but if, from disability or otherwise, the lieutenant-governor shall be incapable of performing said duties, or if he be absent from the State, the president of the senate pro tempore shall act in his stead; but if there be no such president, or if he be disqualified by like disability, or be absent from the State, then the speaker of the house of representatives shall assume the office of governor, and perform said duties; and in case of the inability of the foregoing officers to discharge the duties of governor, the secretary of state shall convene the senate, to elect a president pro tempore. The officer discharging the duties of governor shall receive compensation as such. Should a doubt arise as to whether a vacancy has occurred in the office of governor or as to whether any one of the disabilities mentioned in this section exists or shall have ended, then the secretary of state shall submit the question in doubt to the judges of the supreme court, who, or a majority of whom, shall investigate and determine said question; and shall furnish to said secretary of state an opinion in writing determining the question submitted to them, which opinion when rendered as aforesaid shall be final and conclusive.

SECTION 132. In case the election for lieutenant-governor shall be contested, the contest shall be tried and determined in the same manner as a contest for the office of governor.

SECTION 133. There shall be a secretary of state, who shall be elected as herein provided. He shall be at least twenty-five years of age, a citizen of the State five years next preceding the day of his election, and he shall continue in office during the term of four years, and shall be keeper of the capitol; he shall keep a correct register of all official acts and proceedings of the governor; and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the legislature, and he shall perform such other duties as may be required of him by law. He shall receive such compensation as shall be prescribed.

SECTION 134. A State treasurer and an auditor of public ac-

counts shall be elected as herein provided, who shall hold their offices for the term of four years, and shall possess the same qualifications as required for the secretary of state; they shall receive such compensation as may be provided by law. Said treasurer and auditor of public accounts shall be ineligible to immediately succeed themselves or each other in office.

SECTION 135. There shall be a sheriff, coroner, treasurer, assessor, and surveyor for each county, to be selected as elsewhere provided herein, who shall hold their offices for four years. The sheriff and treasurer shall be ineligible to immediately succeed themselves or each other in office.

SECTION 136. All officers named in this article shall hold their offices during the term for which they were selected, unless removed, and until their successors shall be duly qualified to enter on the discharge of their respective duties.

SECTION 137. It shall be the duty of the State treasurer, within ten days after the first day of January and July of each year, to publish a statement, under oath, in some newspaper published at the seat of government, showing the condition of the treasury on said days, the balance on hand and in what funds, together with a certificate of the governor that he has verified the count of the funds in the treasury and found the balance, stated by the treasurer, actually in the vaults of the treasury, or as the truth may be. And it shall be the duty of the governor, at such other times as he may deem proper, to go to the treasury, without giving notice to the treasurer, and verify the cash balance as shown by the books, and to publish the fact that he has done so, and whether the amount called for by the books be actually in the treasury, and stating whether the treasurer had any notice whatever that the verification would be made.

SECTION 138. The sheriff, coroner, treasurer, assessor, surveyor, clerks of the courts, and members of the board of supervisors of the several counties, and all other officers exercising local jurisdiction therein, shall be selected in the manner provided by law for each county.

SECTION 139. The legislature may empower the governor to remove and appoint officers, in any county or counties or municipal corporations, under such regulations as may be prescribed by law.

SECTION 140. The governor of the State shall be chosen in the following manner:

On the first Tuesday after the first Monday of November of A. D. 1895, and on the first Tuesday after the first Monday of November in every fourth year thereafter, until the day shall be changed by law, an election shall be held in the several counties and districts created for the election of members of the house of representatives in this State, for governor, and the person receiving in any county or such legislative district the highest number of votes cast therein for said office, shall be holden to have received as many votes as such county or district is entitled to members in the house of representatives, which last named votes

are hereby designated "electoral votes." In all cases where a representative is apportioned to two or more counties or districts the electoral vote based on such representative shall be equally divided among such counties or districts. The returns of said election shall be certified by the election commissioners, or a majority of them, of the several counties, and transmitted, sealed, to the seat of government, directed to the secretary of state, and shall be by him safely kept and delivered to the speaker of the house of representatives at the next ensuing session of the legislature within one day after he shall have been elected. The speaker shall, on the next Tuesday after he shall have received said returns, open and publish them in the presence of the house of representatives, and said house shall ascertain and count the vote of each county and legislative district and decide any contest that may be made concerning the same, and said decision shall be made by a majority of the whole number of members of the house of representatives concurring therein, by a viva voce vote, which shall be recorded in its journal; provided, in case the two highest candidates have an equal number of votes in any county or legislative district, the electoral vote of such county or legislative district shall be considered as equally divided between them. The person found to have received a majority of all the electoral votes, and also a majority of the popular vote, shall be declared elected.

SECTION 141. If no person shall receive such majorities, then the house of representatives shall proceed to choose a governor from the two persons who shall have received the highest number of popular votes; the election shall be by viva voce vote, which shall be recorded in the journal, in such manner as to show for whom each member voted.

SECTION 142. In case of an election of governor or any State officer by the house of representatives, no member of that house shall be eligible to receive any appointment from the governor or other State officer so elected, during the term for which he shall be selected.

SECTION 143. All other State officers shall be elected at the same time and in the same manner as provided for election of governor.

ARTICLE VI.—JUDICIARY.

SECTION 144. The judicial power of the State shall be vested in a supreme court and such other courts as are provided for in this constitution.

SECTION 145. The supreme court shall consist of three judges, any two of whom, when convened, shall form a quorum. The legislature shall divide the State into three supreme court districts, and the governor, by and with the advice and consent of the senate, shall appoint one judge for and from each district; but the removal of a judge to the State capital during his term of office shall not render him ineligible as his own successor for the dis-

trict from which he has removed. The present incumbents shall be considered as holding their terms of office from the State at large.

SECTION 146. The supreme court shall have such jurisdiction as properly belongs to a court of appeals.

SECTION 147. No judgment or decree in any chancery or circuit court rendered in a civil cause shall be reversed or annulled on the ground of want of jurisdiction to render said judgment or decree, from any error or mistake as to whether the cause in which it was rendered was of equity or common law jurisdiction; but if the supreme court shall find error in the proceedings other than as to jurisdiction, and it shall be necessary to remand the case, the supreme court may remand it to that court which in its opinion can best determine the controversy.

SECTION 148. The supreme court shall be held twice in each year at the seat of government, at such time as the legislature may provide.

SECTION 149. The term of office of the judges of the supreme court shall be nine years. The office of one of said judges shall be vacated in three years, one in six years, and one in nine years, so that at the expiration of every three years one of said judges shall be appointed as aforesaid.

SECTION 150. No person shall be eligible to the office of judge of the supreme court who shall not have attained the age of thirty years at the time of his appointment, and who shall not have been a practising attorney and a citizen of the State for five years immediately preceding such appointment.

SECTION 151. All vacancies which may occur in said court from death, resignation, or removal, shall be filled by appointment as aforesaid; but if a vacancy shall occur during the recess of the legislature, the governor shall appoint a successor who shall hold his office until the end of the next session of the senate unless his nomination shall be sooner rejected.

SECTION 152. The legislature shall divide the State into convenient circuit and chancery court districts.

SECTION 153. The judges of the circuit courts and of the chancery courts shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices for the term of four years.

SECTION 154. No person shall be eligible to the office of judge of the circuit court or of the chancery court, who shall not have been a practising lawyer for five years, and who shall not have attained the age of twenty-six years, and who shall not have been five years a citizen of this State.

SECTION 155. The judges of the several courts of this State shall, before they proceed to execute the duties of their respective offices, take the following oath or affirmation, to-wit: "I, ———, solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ———"

—, according to the best of my ability and understanding, agreeably to the Constitution of the United States, and the constitution and laws of the State of Mississippi; so help me God."

SECTION 156. The circuit court shall have original jurisdiction in all matters civil and criminal in this State not vested by this constitution in some other court, and such appellate jurisdiction as shall be prescribed by law.

SECTION 157. All causes that may be brought in the circuit court whereof the chancery court has exclusive jurisdiction shall be transferred to the chancery court.

SECTION 158. A circuit court shall be held in each county at least twice in each year, and the judges of said courts may interchange circuits with each other in such manner as may be provided by law.

SECTION 159. The chancery court shall have full jurisdiction in the following matters and cases, viz.:

(a) All matters in equity.

(b) Divorce and alimony.

(c) Matters testamentary and of administration.

(d) Minors' business.

(e) Cases of idiocy, lunacy, and persons of unsound mind.

(f) All cases of which the said court had jurisdiction under the laws in force when this constitution is put in operation.

SECTION 160. And in addition to the jurisdiction heretofore exercised by the chancery court in suits to try title and to cancel deeds and other clouds upon title to real estate, it shall have jurisdiction in such cases to decree possession, and to displace possession, to decree rents and compensation for improvements and taxes; and in all cases where said court heretofore exercised jurisdiction, auxiliary to courts of common law, it may exercise such jurisdiction to grant the relief sought, although the legal remedy may not have been exhausted or the legal title established by a suit at law.

SECTION 161. And the chancery court shall have jurisdiction, concurrent with the circuit court, of suits on bonds of fiduciaries and public officers for failure to account for money or property received, or wasted or lost by neglect or failure to collect, and of suits involving inquiry into matters of mutual accounts; but if the plaintiff brings his suit in the circuit court, that court may, on application of the defendant, transfer the cause to the chancery court if it appears that the accounts to be investigated are mutual and complicated.

SECTION 162. All causes that may be brought in the chancery court whereof the circuit court has exclusive jurisdiction shall be transferred to the circuit court.

SECTION 163. The legislature shall provide by law for the due certification of all causes that may be transferred to or from any chancery court or circuit court, for such reformation of the pleading therein as may be necessary, and the adjudication of the costs of such transfer.

SECTION 164. A chancery court shall be held in each county at least twice in each year.

SECTION 165. No judge of any court shall preside on the trial of any cause where the parties or either of them shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by the consent of the judge and of the parties. Whenever any judge of the supreme court or the judge or chancellor of any district, in this State, shall, for any reason, be unable or disqualified to preside at any term of court, or in any case where the attorneys engaged therein shall not agree upon a member of the bar to preside in his place, the governor may commission another, or others, of law knowledge to preside at such term or during such disability or disqualification in the place of the judge or judges so disqualified. Where either party shall desire, the supreme court, for the trial of any cause, shall be composed of three judges. No judgment or decree shall be affirmed by disagreement of two judges constituting a quorum.

SECTION 166. The judges of the supreme court, of the circuit courts, and the chancellors, shall receive for their services a compensation to be fixed by law, which shall not be increased or diminished during their continuance in office.

SECTION 167. All civil officers shall be conservators of the peace, and shall be, by law, vested with ample power as such.

SECTION 168. The clerk of the supreme court shall be elected as other State officers for the term of four years, and the clerk of the circuit court and the clerk of the chancery court shall be selected in each county in the manner provided by law, and shall hold office for the term of four years, and the legislature shall provide by law what duties shall be performed during vacation by the clerks of the circuit and chancery courts, subject to the approval of the court.

SECTION 169. The style of all process shall be "The State of Mississippi," and all prosecutions shall be carried on in the name and by authority of the "State of Mississippi," and all indictments shall conclude "against the peace and dignity of the State."

SECTION 170. Each county shall be divided into five districts. A resident freeholder of each district shall be selected, in the manner prescribed by law, and the five so chosen shall constitute the board of supervisors of the county, a majority of whom may transact business. The board of supervisors shall have full jurisdiction over roads, ferries, and bridges, to be exercised in accordance with such regulations as the legislature may prescribe, and perform such other duties as may be required by law. The clerk of the chancery court of each county shall be clerk of the board of supervisors.

SECTION 171. A competent number of justices of the peace and constables shall be chosen in each county in the manner provided by law, for each district, who shall hold their office for the term of four years. No person shall be eligible to the office of justice of the peace who shall not have resided two years in the district next preceding his selection. The jurisdiction of justices of the

peace shall extend to causes in which the principal amount in controversy shall not exceed the sum of two hundred dollars; and they shall have jurisdiction concurrent with the circuit court over all crimes whereof the punishment prescribed does not extend beyond a fine and imprisonment in the county jail, but the legislature may confer on the justices of the peace exclusive jurisdiction in such petty misdemeanors as it shall see proper. In all causes tried by a justice of the peace, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law, and no justice of the peace shall preside at the trial of any cause where he may be interested, or the parties, or either of them, shall be connected with him by affinity or consanguinity, except by the consent of the justice of the peace and of the parties.

SECTION 172. The legislature shall, from time to time, establish such other inferior courts as may be necessary, and abolish the same whenever deemed expedient.

SECTION 173. There shall be an attorney-general elected at the same time and in the same manner as the governor is elected, whose term of office shall be four years, and whose compensation shall be fixed by law. The qualifications for the attorney-general shall be the same as herein prescribed for judges of the circuit and chancery courts.

SECTION 174. A district attorney for each circuit court district shall be selected in the manner provided by law, whose term of office shall be four years, whose duties shall be prescribed by law, and whose compensation shall be a fixed salary.

SECTION 175. All public officers, for wilful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and, upon conviction, shall be removed from office, and otherwise punished as may be prescribed by law.

SECTION 176. No person shall be a member of the board of supervisors who is not a resident freeholder in the district for which he is chosen. The value of real estate necessary to be owned to qualify persons in the several counties to be members of said board shall be fixed by law.

SECTION 177. The governor shall have power to fill any vacancy which may happen during the recess of the senate, in the office of judge or chancellor, by making a temporary appointment of an incumbent which shall expire at the end of the next session of the senate, unless a successor shall be sooner appointed, and confirmed by the senate. When a temporary appointment of a judge or chancellor has been made during the recess of the senate, the governor shall have no power to remove the person or appointee, nor power to withhold his name from the senate for their action.

ARTICLE VII.—CORPORATIONS.

SECTION 178. Corporations shall be formed under general laws only. The legislature shall have power to alter, amend, or repeal any charter of incorporation now existing, and revocable, and

any that may hereafter be created, whenever in its opinion it may be for the public interest to do so; provided, however, that no injustice shall be done to the stockholders. No charter for any private corporation for pecuniary gain shall be granted for a longer period than ninety-nine years. In assessing for taxation the property and franchises of corporations having charters for a longer period than ninety-nine years, the increased value of such property and franchises arising from such longer duration of their charters shall be considered and assessed; but any such corporation shall have the right to surrender the excess over ninety-nine years of its charter.

SECTION 179. The legislature shall never remit the forfeiture of the franchise of any corporation now existing, nor alter nor amend the charter thereof, nor pass any general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter and franchises subject to the provisions of this constitution; and the reception by any corporation of any provision of any such laws, or the taking of any benefit or advantage from the same, shall be conclusively held an agreement by such corporation to hold thereafter its charter and franchises under the provisions hereof.

SECTION 180. All existing charters or grants of corporate franchise under which organizations have not in good faith taken place at the adoption of this constitution shall be subject to the provisions of this article; and all such charters under which organizations shall not take place in good faith and business be commenced within one year from the adoption of this constitution, shall thereafter have no validity; and every charter or grant of corporate franchise hereafter made shall have no validity, unless an organization shall take place thereunder and business be commenced within two years from the date of such charter or grant.

SECTION 181. The property of all private corporations for pecuniary gain shall be taxed in the same way and to the same extent as the property of individuals; but the legislature may provide for the taxation of banks and banking capital by taxing the shares according to the value thereof (augmented by the accumulations, surplus, and unpaid dividends), exclusive of real estate, which shall be taxed as other real estate. Exemptions from taxation to which corporations are legally entitled at the adoption of this constitution, shall remain in full force and effect for the time of such exemptions as expressed in their respective charters, or by general laws, unless sooner repealed by the legislature. And domestic insurance companies shall not be required to pay a greater tax in the aggregate than is required to be paid by foreign insurance companies doing business in this State, except to the extent of the excess of their *ad valorem* tax over the privilege tax imposed upon such foreign companies; and the legislature may impose privilege taxes on building and loan associations in lieu of all other taxes except on their real estate.

SECTION 182. The power to tax corporations and their property

shall never be surrendered or abridged by any contract or grant to which the State or any political subdivision thereof may be a party, except that the legislature may grant exemption from taxation in the encouragement of manufacturers and other new enterprises of public utility extending for a period not exceeding five years, the time of such exemptions to commence from date of charter, if to a corporation; and if to an individual enterprise, then from the commencement of work; but when the legislature grants such exemptions for a period of five years or less, it shall be done by general laws, which shall distinctly enumerate the classes of manufactures and other new enterprises of public utility entitled to such exemptions, and shall prescribe the mode and manner in which the right to such exemptions shall be determined.

SECTION 183. No county, city, town, or other municipal corporation shall hereafter become a subscriber to the capital stock of any railroad or other corporation or association, or make appropriation, or loan its credit in aid of such corporation or association. All authority heretofore conferred for any of the purposes aforesaid by the legislature or by the charter of any corporation is hereby repealed. Nothing in this section contained shall affect the right of any such corporation, municipality, or county to make such subscription where the same has been authorized under laws existing at the time of the adoption of this constitution, and by a vote of the people thereof had prior to its adoption, and where the terms of submission and subscription have been or shall be complied with, or to prevent the issue of renewal bonds, or the use of such other means as are or may be prescribed by law for the payment or liquidation of such subscription or of any existing indebtedness.

SECTION 184. All railroads which carry persons or property for hire shall be public highways, and all railroad companies so engaged shall be common carriers. Any company organized for that purpose under the laws of the State shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with roads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad; and all railroad companies shall receive and transport each other's passengers, tonnage, and cars loaded or empty, without unnecessary delay or discrimination.

SECTION 185. The rolling stock belonging to any railroad company or corporation in this State shall be considered personal property, and shall be liable to execution and sale as such.

SECTION 186. The legislature shall pass laws to prevent abuses, unjust discrimination, and extortion in all charges of express, telephone, sleeping car, telegraph, and railroad companies, and shall enact laws for the supervision of railroads, express, telephone, telegraph, sleeping car companies, and other common carriers in this State, by commission or otherwise, and shall pro-

vide adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their franchises.

SECTION 187. No railroad hereafter constructed in this State shall pass within three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles; provided, such town or its citizens shall grant the right-of-way through its limits, and sufficient grounds for ordinary depot purposes.

SECTION 188. No railroad or other transportation company shall grant free passes or tickets, or passes or tickets at a discount, to members of the legislature, or any State, district, county, or municipal officers, except railroad commissioners. The legislature shall enact suitable laws for the detection, prevention, and punishment of violations of this provision.

SECTION 189. All charters granted to private corporations in this State shall be recorded in the chancery clerk's office of the county in which the principal office or place of business of such company shall be located.

SECTION 190. The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the legislature from taking the property and franchises of incorporated companies and subjecting them to public use; and the exercise of the police powers of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe upon the rights of individuals or the general well-being of the State.

SECTION 191. The legislature shall provide for the protection of the employees of all corporations doing business in this State from interference with their social, civil, or political rights by said corporations, their agents or employees.

SECTION 192. Provisions shall be made by general laws whereby cities and towns may be authorized to aid and encourage the establishment of manufactories, gas-works, water-works, and other enterprises of public utility other than railroads, within the limits of said cities or towns, by exempting all property used for such purposes from municipal taxation for a period not longer than ten years.

SECTION 193. Every employee of any railroad corporation shall have the same right and remedies for any injury suffered by him from the act or omission of said corporation or its employees, as are allowed by law to other persons not employees, where the injury results from the negligence of a superior agent or officer, or of a person having the right to control or direct the services of the party injured, and also when the injury results from the negligence of a fellow-servant engaged in another department of labor from that of the party injured, or of a fellow-servant on another train of cars, or one engaged about a different piece of work. Knowledge by any employee injured of the defective or unsafe character or condition of any machinery, ways, or appliances, shall be no defence to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or

unsafe cars, or engines voluntarily operated by them. Where death ensues from any injury to employees, the legal or personal representatives of the person injured shall have the same right and remedies as are allowed by law to such representatives of other persons. Any contract or agreement, express or implied, made by any employee to waive the benefit of this section shall be null and void; and this section shall not be construed to deprive any employee of a corporation, or his legal or personal representative, of any right or remedy that he now has by the law of the land. The legislature may extend the remedies herein provided for to any other class of employees.

SECTION 194. The legislature shall provide by law that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote in person or by proxy for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, so as to give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall see fit; and such directors or managers shall not be elected in any other manner; but no person who is engaged or interested in a competing business, either individually or as employee, or stockholder, shall serve on any board of directors of any corporation without the consent of a majority in interest of the stockholders thereof.

SECTION 195. Express, telegraph, telephone and sleeping car companies are declared common carriers in their respective lines of business, and subject to liability as such.

SECTION 196. No transportation corporation shall issue stocks or bonds except for money, labor done, or in good faith agreed to be done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void.

SECTION 197. The legislature shall not grant to any foreign corporation or association a license to build, operate, or lease any railroad in this State; but in all cases where a railroad is to be built or operated, and the same shall be partly in this State and partly in another State, or in other States, the owners or projectors thereof shall first become incorporated under the laws of this State; nor shall any foreign corporations or associations lease or operate any railroad in this State or purchase the same, or any interest therein; consolidation of any railroad lines and corporations in this State with others shall be allowed only where the consolidated company shall become a domestic corporation of this State. No general or special law shall ever be passed for the benefit of any foreign corporation operating a railroad under an existing license from this State, or under an existing lease; and no grant of any right or privilege, and no exemption from any burden, shall be made to any such foreign corporation, except upon the condition that the owners or stockholders thereof shall first organize a corporation in this State under the laws thereof,

and shall thereafter operate and manage the same, and the business thereof under said domestic charter.

SECTION 198. The legislature shall enact laws to prevent all trusts, combinations, contracts and agreements inimical to the public welfare.

SECTION 199. The term corporation used in this article shall include all associations and all joint stock companies for pecuniary gain, having privileges not possessed by individuals or partnerships.

SECTION 200. The legislature shall enforce the provisions of this article by appropriate legislation.

ARTICLE VIII.—EDUCATION.

SECTION 201. It shall be the duty of the legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement, by establishing a uniform system of free public schools, by taxation, or otherwise, for all children between the ages of five and twenty-one years, and, as soon as practicable, to establish schools of higher grade.

SECTION 202. There shall be a superintendent of public education elected at the same time and in the same manner as the governor, who shall have the qualifications required of the secretary of state, and hold his office for four years and until his successor shall be elected and qualified, who shall have the general supervision of the common schools, and of the educational interests of the State, and who shall perform such other duties and receive such compensation as shall be prescribed by law.

SECTION 203. There shall be a board of education, consisting of the secretary of state, the attorney-general, and the superintendent of public education, for the management and investment of the school funds, according to law, and for the performance of such other duties as may be prescribed. The superintendent and one other of said board shall constitute a quorum.

SECTION 204. There shall be a superintendent of public education in each county, who shall be appointed by the board of education by and with the advice and consent of the senate, whose term of office shall be four years, and whose qualifications, compensation and duties shall be prescribed by law; provided, that the legislature shall have power to make the office of county school superintendent of the several counties elective, or may otherwise provide for the discharge of the duties of county superintendents, or abolish said office.

SECTION 205. A public school shall be maintained in each school district in the county at least four months during each scholastic year. A school district neglecting to maintain its school four months, shall be entitled to only such part of the free school fund as may be required to pay the teacher for the time actually taught.

SECTION 206. There shall be a common school fund which shall consist of the poll-tax (to be retained in the counties where the

same is collected) and an additional sum from the general fund in the State treasury, which together shall be sufficient to maintain the common schools for the term of four months in each scholastic year. But any county or separate school district may levy an additional tax to maintain its schools for a longer time than the term of four months. The common school fund shall be distributed among the several counties and separate school districts in proportion to the number of educable children in each, to be determined from data collected through the office of the state superintendent of education, in the manner to be prescribed by law.

SECTION 207. Separate schools shall be maintained for children of the white and colored races.

SECTION 208. No religious or other sect, or sects, shall ever control any part of the school or other educational funds of this State; nor shall any funds be appropriated towards the support of any sectarian school; or to any school that at the time of receiving such appropriation is not conducted as a free school.

SECTION 209. It shall be the duty of the legislature to provide by law for the support of institutions for the education of the deaf, dumb, and blind.

SECTION 210. No public officer of this State, or of any district, county, city or town thereof, nor any teacher or trustee of any public school, shall be interested in the sale, proceeds or profits of any books, apparatus or furniture to be used, in any public school in this State. Penalties shall be provided by law for the violation of this section.

SECTION 211. The legislature shall enact such laws as may be necessary to ascertain the true condition of the title to the 16th sections of land in this State, or land granted in lieu thereof, in the Choctaw purchase, and shall provide that the sixteenth section lands reserved for the support of township schools, shall not be sold, nor shall they be leased for a longer term than ten years for a gross sum; but the legislature may provide for the lease of any of said lands for a term not exceeding twenty-five years for a ground rental payable annually, and, in case of uncleared lands, may lease them for such short term as may be deemed proper in consideration of the improvement thereof, with right thereafter to lease for a term or to hold on payment of ground rent.

SECTION 212. The rate of interest on the fund known as the Chickasaw school fund, and other trust funds for educational purposes, for which the State is responsible, shall be fixed and remain as long as said funds are held by the State at six per centum per annum, from and after the close of the fiscal year A. D. 1891, and the distribution of said interest shall be made semi-annually on the first of May and November of each year.

SECTION 213. The State having received and appropriated the land donated to it, for the support of Agricultural and Mechanical Colleges, by the United States, and having, in furtherance of the beneficent design of Congress in granting said land, estab-

lished the Agricultural and Mechanical College of Mississippi, and the Alcorn Agricultural and Mechanical College, it is the duty of the State to sacredly carry out the conditions of the act of Congress upon the subject, approved July 2d, A. D. 1862, and the legislature shall preserve intact the endowments to, and support, said colleges.

ARTICLE IX.—MILITIA.

SECTION 214. All able-bodied male citizens of the State between the ages of eighteen and forty-five years shall be liable to military duty in the militia of this State, in such manner as the legislature may provide.

SECTION 215. The legislature shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same when called into active service.

SECTION 216. All officers of militia, except non-commissioned officers, shall be appointed by the governor, by and with the consent of the senate, or elected, as the legislature may determine; and no commissioned officer shall be removed from office except by the senate on suggestion of the governor, stating the ground on which such removal is recommended, or by the decision of a court martial, pursuant to law, or at his own request.

SECTION 217. The governor shall be commander-in-chief of the militia, except when it is called into the service of the United States, and shall have power to call forth the militia to execute the laws, repel invasion, and to suppress riots and insurrections.

SECTION 218. The governor shall nominate, and, by and with the consent of the senate, commission one major-general for the State, who shall be a citizen thereof, and also one brigadier-general for each congressional district, who shall be a resident of the district for which he shall be appointed, and each district shall constitute a militia division.

SECTION 219. The adjutant-general, and other staff officers to the commander-in-chief, shall be appointed by the governor, and their appointment shall expire with the governor's term of office, and the legislature shall provide by law a salary for the adjutant-general, commensurate with the duties of said office.

SECTION 220. The militia shall be exempt from arrest during their attendance on musters, and in going to and returning from the same, except in case of treason, felony or breach of the peace.

SECTION 221. The legislature is hereby required to make an annual appropriation for the efficient support and maintenance of the Mississippi National Guard, which shall consist of not less than one hundred men for each senator and representative to which this State may be entitled in the Congress of the United States; but no part of such funds shall be used in the payment of said guard except when in actual service.

SECTION 222. The legislature shall empower the board of supervisors of each county in the State to aid in supporting a military company or companies, of the Mississippi National Guard, within

its borders, under such regulations, limitations and restrictions as may be prescribed by law.

ARTICLE X.—THE PENITENTIARY AND PRISONS.

SECTION 223. No penitentiary convict shall ever be leased or hired to any person or persons, or corporation, private or public or quasi public, or board, after December the 31st, A. D. 1894, save as authorized in the next section, nor shall any previous lease or hiring of convicts extend beyond that date; and the legislature shall abandon the system of such leasing or hiring as much sooner than the date mentioned as may be consistent with the economic safety of the State.

SECTION 224. The legislature may authorize the employment under State supervision, and the proper officers and employees of the State, of convicts on public roads or other public works, or by any levee board on any public levees, under such provisions and restrictions as it may from time to time see proper to impose; but said convicts shall not be let or hired to any contractors under said board, nor shall the working of convicts on public roads, or public works, or by any levee board ever interfere with the preparation for or the cultivation of any crop which it may be intended shall be cultivated by the said convicts, nor interfere with the good management of the State farm, nor put the State to any expense.

SECTION 225. The legislature may place the convicts on a State farm or farms, and have them worked thereon under State supervision exclusively, in tilling the soil or manufacturing, or both, and may buy farms for that purpose. It may establish a reformatory school or schools, and provide for keeping of juvenile offenders from association with hardened criminals. It may provide for the commutation of the sentence of convicts for good behavior, and for the constant separation of the sexes, and for the separation of the white and black convicts as far as practicable, and for religious worship for the convicts.

SECTION 226. Convicts sentenced to the county jail shall not be hired or leased to any person or corporation outside the county of their conviction, after the first day of January, A. D. 1893, nor for a term which shall extend beyond that date.

ARTICLE XI.—LEVEES.

SECTION 227. A levee system shall be maintained in the State as provided in this article.

SECTION 228. The division heretofore made by the legislature of the alluvial land of the State into two levee districts—viz.: The Yazoo-Mississippi Delta Levee District, and the Mississippi Levee District, as shown by the laws creating the same, and the amendments thereto, is hereby recognized, and said districts shall so remain until changed by law: but the legislature may hereafter add to either of said districts any other alluvial land in the State.

SECTION 229. There shall be a board of levee commissioners for the Yazoo-Mississippi Delta Levee District, which shall consist of two members from each of the counties of Coahoma and Tunica, and one member from each of the remaining counties or parts of counties, now or hereafter embraced within the limits of said district, and the governor may appoint a stockholder in the Louisville, New Orleans and Texas Railway Company as an additional commissioner; and there shall also be a board of levee commissioners for the Mississippi Levee District, which shall consist of two members from each of the counties of Bolivar and Washington, and one from each of the counties of Issaquena and Sharkey. In the event of the formation of a new county or counties out of the territory embraced in either or both of said levee districts, such new counties shall each be entitled to representation and membership in the proper board or boards.

SECTION 230. All of said commissioners shall be qualified electors of the respective counties or parts of counties from which they may be chosen, except the one selected for the Louisville, New Orleans and Texas Railway Company; and the legislature shall provide that they shall each give bond for the faithful performance of his duties and shall fix the penalty thereof; but the penalty of such bond in no instance shall be fixed at less than \$10,000, and the sureties thereon shall be freeholders of the district.

SECTION 231. When the terms of the present levee commissioners shall expire, or whenever a vacancy shall occur or be about to occur, in either of said boards, the governor shall make appointments to fill vacancies, subject to the confirmation of the Senate. The terms of office of said commissioners shall remain as provided by law at the adoption of this constitution, but this provision shall not require the appointment of a commissioner for the Louisville, New Orleans and Texas Railway Company, except in the discretion of the governor, as provided.

SECTION 232. The commissioners of said levee districts shall have supervision of the erection, repair, and maintenance of the levees in their respective districts.

SECTION 233. The levee boards shall have and are hereby granted authority and full power to appropriate private property in their respective districts for the purpose of constructing, maintaining and repairing levees therein; and when any owner of land, or any other person interested therein, shall object to the location or building of the levee thereon, or shall claim compensation for any land that may be taken, or for any damages he may sustain in consequence thereof, the president or other proper officer or agent of such levee board, or owner of such land, or other person interested therein, may forthwith apply for an assessment of the damages to which said person claiming the same may be entitled; whereupon the proceedings as now provided by law shall be taken, viz.: in the Mississippi Levee District, in accordance with the terms and provisions of section 3 of an act entitled "an act to amend an act to incorporate the Board of Levee Commissioners for Bolivar, Washington and

Issaquena counties, and for other purposes," approved November 27, A. D. 1865, and to revise acts amendatory thereof, approved March 13, A. D. 1884; and in the Yazoo-Mississippi Delta Levee District, in accordance with the terms and provisions of section 3 of an act entitled "an act to incorporate the board of levee commissioners for the Yazoo-Mississippi Delta, and for other purposes," approved February 28, A. D. 1884, and the amendments thereto; but the legislature shall have full power to alter and amend said several acts, and to provide different manners of procedure.

SECTION 234. No bill changing the boundaries of the district or affecting the taxation or revenue of the Yazoo-Mississippi Delta Levee District, or the Mississippi Levee District, shall be considered by the legislature unless said bill shall have been published in some newspaper in the county in which is situated the domicile of the board of levee commissioners of the levee district to be affected thereby, for four weeks prior to the introduction thereof into the legislature; and no such bill shall be considered for final passage by either the senate or house of representatives, unless the same shall have been referred to, and reported on, by an appropriate committee of each house in which the same may be pending; and no such committee shall consider or report on any such bill unless publication thereof shall have been made as aforesaid.

SECTION 235. Each levee board shall make at the end of each fiscal year, to the governor of this State, a report showing the condition of the levees, and recommending such additional legislation on the subject of the system as shall be thought necessary, and showing the receipts and expenditures of the board, so that each item, the amount and consideration therefor, shall distinctly appear, together with such other matters as it shall be thought proper to call to the attention of the legislature.

SECTION 236. The legislature shall impose for levee purposes, in addition to the levee taxes heretofore levied or authorized by law, a uniform tax of not less than two nor more than five cents an acre, per annum, upon every acre of land now, or hereafter, embraced within the limits of either, or both, of said levee districts. The taxes so derived shall be paid into the treasury of the levee board of the district in which the land charged with the same is situated; and the legislature, by the act imposing said tax, shall authorize said levee boards to fix the annual rate of taxation per acre within the limits aforesaid, and thereby require said levee boards, whenever a reduction is made by them in their other taxes, to make a proportionate reduction in the acreage tax hereinbefore mentioned; but said acreage tax shall not be reduced below two cents an acre per annum; and all reductions in such taxation shall be uniform in each of said districts; but the rate of taxation need not be the same in both of them; and such specific taxes shall be assessed on the same assessment roll, and collected under the same penalties as the *ad valorem* taxes for levee purposes, and shall be paid at the same time with the latter. And no levee board shall be permitted to

buy lands when sold for taxes; but the State shall have a prior lien for the taxes due thereto. The legislature may provide for the continuance of the tax on cotton, but not in such manner as to affect outstanding bonds based on it, and on the discontinuance of the tax on cotton shall impose another tax in lieu thereof; but the legislature may repeal the acreage taxes required to be levied hereby, after the 1st day of January, A. D. 1895.

SECTION 237. The legislature shall have full power to provide such system of taxation for said levee districts as it shall from time to time deem wise and proper.

SECTION 238. No property situated between the levee and the Mississippi river shall be taxed for levee purposes, nor shall damage be paid to any owner of land so situated because of it being left outside a levee.

SECTION 239. The legislature shall require the levee boards to publish at each of their sessions an itemized account embracing their respective receipts since the prior session, and such appropriations as have been made or ordered by them respectively, in some newspaper or newspapers of the district.

ARTICLE XII.—FRANCHISE.

SECTION 240. All elections by the people shall be by ballot.

SECTION 241. Every male inhabitant of this State, except idiots, insane persons and Indians not taxed, who is a citizen of the United States, twenty-one years old and upwards, who has resided in this State two years, and one year in the election district, or in the incorporated city or town, in which he offers to vote, and who is duly registered as provided in this article, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy, and who has paid, on or before the first day of February of the year in which he shall offer to vote, all taxes which may have been legally required of him, and which he has had opportunity of paying according to law, for the two preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid said taxes, is declared to be a qualified elector; but any minister of the Gospel in charge of an organized church shall be entitled to vote after six months' residence in the election district, if otherwise qualified.

SECTION 242. The legislature shall provide by law for the registration of all persons entitled to vote at any election, and all persons offering to register shall take the following oath or affirmation: "I ———, do solemnly swear (or affirm) that I am twenty-one years old (or I will be before the next election in this county), and that I will have resided in this State two years, and ——— election district of ——— county one year next preceding the ensuing election" (or if it be stated in the oath that the person proposing to register is a minister of the gospel in charge of an organized church, then it will be sufficient to aver therein two years' residence in the State and six months

in said election district); "and am now in good faith a resident of the same, and that I am not disqualified from voting by reason of having been convicted of any crime named in the constitution of this State as a disqualification to be an elector; that I will truly answer all questions propounded to me concerning my antecedents so far as they relate to my right to vote, and also as to my residence before my citizenship in this district; that I will faithfully support the constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same. So help me God." In registering voters in cities and towns not wholly in one election district, the name of such city or town may be substituted in the oath for the election district. Any willful and corrupt false statement in said affidavit, or in answer to any material question propounded as herein authorized, shall be perjury.

SECTION 243. A uniform poll tax of two dollars, to be used in aid of the common schools and for no other purpose, is hereby imposed on every male inhabitant of this State between the ages of twenty-one and sixty years, except persons who are deaf and dumb or blind, or who are maimed by loss of hand or foot; said tax to be a lien only upon taxable property. The board of supervisors of any county may, for the purpose of aiding the common schools in that county, increase the poll tax in said county, but in no case shall the entire poll tax exceed in any one year three dollars on each poll. No criminal proceedings shall be allowed to enforce the collection of the poll tax.

SECTION 244. On and after the first day of January, A. D. 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. A new registration shall be made before the next ensuing election after January the first, A. D. 1892.

SECTION 245. Electors in municipal elections shall possess all the qualifications herein prescribed, and such additional qualifications as may be provided by law.

SECTION 246. Prior to the first day of January, A. D. 1896, the elections by the people in this State shall be regulated by an ordinance of this convention.

SECTION 247. The legislature shall enact laws to secure fairness in party primary elections, conventions or other methods of naming party candidates.

SECTION 248. Suitable remedies by appeal or otherwise shall be provided by law, to correct illegal or improper registration and to secure the elective franchise to those who may be illegally or improperly denied the same.

SECTION 249. No one shall be allowed to vote for members of the legislature or other officers who has not been duly registered under the constitution and laws of this State, by an officer of

this State, legally authorized to register the voters thereof. And registration under the constitution and laws of this State by the proper officers of this State is hereby declared to be an essential and necessary qualification to vote at any and all elections.

SECTION 250. All qualified electors and no others shall be eligible to office, except as otherwise provided in this constitution.

SECTION 251. Electors shall not be registered within four months next before any election at which they may offer to vote; but appeals may be heard and determined and revision take place at any time prior to the election; and no person who, in respect to age and residence, would become entitled to vote, within the said four months, shall be excluded from registration on account of his want of qualification at the time of registration.

SECTION 252. The term of office of all elective officers under this constitution shall be four years, except as otherwise provided herein. A general election for all elective officers shall be held on the Tuesday next after the first Monday of November, A. D. 1895, and every four (4) years thereafter; provided, the legislature may change the day and date of general elections to any day and date in October, November or December.

SECTION 253. The legislature may by a two-thirds vote of both houses, of all members elected, restore the right of suffrage to any person disqualified by reason of crime; but the reasons therefor shall be spread upon the journals, and the vote shall be by yeas and nays.

ARTICLE XIII.—APPORTIONMENT.

SECTION 254. The number of representatives in the lower house of the legislature shall be one hundred and thirty-three, to be apportioned as follows:

First—The counties of Choctaw, Covington, Greene, Hancock, Issaquena, Jones, Lawrence, Leflore, Marion, Neshoba, Pearl River, Perry, Quitman, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tishomingo, Tunica, Wayne and Webster, each shall have one representative.

Second—The counties of Alcorn, Amite, Attala, Boliver, Calhoun, Carroll, Chickasaw, Clay, Coahoma, DeSoto, Kemper, Lafayette, Madison, Newton, Pike, Pontotoc, Prentiss Rankin, Tate, Union, Wilkinson and Yalobusha, each shall have two representatives.

Third—The counties of Copiah, Holmes, Marshall, Monroe, Noxubee, Panola, Warren and Washington, each shall have three representatives.

Fourth—The counties of Franklin and Lincoln each shall have one representative and a floater between them.

Fifth—The counties of Tippah and Benton each shall have one representative and a floater between them.

Sixth—The counties of Claiborne and Jefferson each shall have one representative and a floater between them.

Seventh—The counties of Clarke and Jasper each shall have one representative and a floater between them.

Eighth—The counties of Grenada and Montgomery each shall have one representative and a floater between them.

Ninth—The counties of Leake and Winston each shall have one representative and a floater between them.

Tenth—The counties of Harrison and Jackson each shall have one representative and a floater between them.

Eleventh—The county of Yazoo shall have three representatives, and the county of Hinds shall have three representatives, and they shall have a floater between them.

Twelfth—The county of Lauderdale shall have three representatives, one to be elected by the city of Meridian, one by the county outside the city limits, and one by the whole county, including Meridian.

Thirteenth—The county of Adams outside of the city of Natchez shall have one representative and the city of Natchez one representative.

Fourteenth—The county of Lowndes shall have three representatives, two of whom shall be elected by that part of the county east of the Tombigbee River, and one by that portion of the county west of said river.

Fifteenth—The county of Oktibbeha shall have two representatives, one of whom shall be elected by that portion of the county east of the line running north and south between ranges thirteen and fourteen, and the other by that portion of the county west of said line.

Sixteenth—The county of Lee shall have two representatives, the county of Itawamba one, and a floater between them.

Seventeenth—In counties divided into legislative districts, any citizen of the county eligible for election to the house of representatives shall be eligible to represent any district thereof.

THE SENATE.

SECTION 255. The number of senators shall be forty-five and are apportioned as follows:

First—The counties of Hancock, Harrison and Jackson shall constitute the first district, and elect one senator.

Second—The counties of Wayne, Jones, Perry and Greene the second district, and elect one senator.

Third—The counties of Jasper and Clark the third district, and elect one senator.

Fourth—The counties of Simpson, Covington, Marion and Pearl River the fourth district, and elect one senator.

Fifth—The counties of Rankin and Smith the fifth district, and elect one senator.

Sixth—The counties of Pike and Franklin the sixth district, and elect one senator.

Seventh—The counties of Amite and Wilkinson the seventh district, and elect one senator.

Eighth—The counties of Lincoln and Lawrence the eighth district, and elect one senator.

Ninth—the county of Adams the ninth district, and elect one senator.

Tenth—The counties of Claiborne and Jefferson the tenth district, and elect one senator.

Eleventh—The county of Copiah the eleventh district, and elect one senator.

Twelfth—The counties of Hinds and Warren the twelfth district, and elect one senator each and a senator between them, to be chosen from the counties alternately, beginning with Hinds.

Thirteenth—The counties of Scott and Newton the thirteenth district, and elect one senator.

Fourteenth—The county of Lauderdale the fourteenth district, and elect one senator.

Fifteenth—The counties of Kemper and Winston the fifteenth district, and elect one senator.

Sixteenth—The county of Noxubee the sixteenth district, and elect one senator.

Seventeenth—The counties of Leake and Neshoba the seventeenth district, and elect one senator.

Eighteenth—The county of Madison the eighteenth district, and elect one senator.

Nineteenth—The county of Yazoo the nineteenth district, and elect one senator.

Twentieth—The counties of Sharkey and Issaquena the twentieth district, and elect one senator.

Twenty-first—The county of Holmes the twenty-first district, and elect one senator.

Twenty-second—The county of Attala the twenty-second district, and elect one senator.

Twenty-third—The counties of Oktibbeha and Choctaw the twenty-third district, and elect one senator.

Twenty-fourth—The counties of Clay and Webster the twenty-fourth district, and elect one senator.

Twenty-fifth—The county of Lowndes the twenty-fifth district, and elect one senator.

Twenty-sixth—The counties of Carroll and Montgomery the twenty-sixth district, and elect one senator.

Twenty-seventh—The counties of Leflore and Tallahatchie the twenty-seventh district, and elect one senator.

Twenty-eighth—The counties of Yalobusha and Grenada the twenty-eighth district, and elect one senator.

Twenty-ninth—The counties of Washington and Sunflower the twenty-ninth district; the county of Washington shall elect

one senator, and the counties of Washington and Sunflower a senator between them.

Thirtieth—The county of Bolivar the thirtieth district, and elect one senator.

Thirty-first—The counties of Chickasaw, Calhoun and Pontotoc the thirty-first district, and elect two senators; both senators shall at no time be chosen from the same county.

Thirty-second—The county of Lafayette the thirty-second district, and elect one senator.

Thirty-third—The county of Panola the thirty-third district, and elect one senator.

Thirty-fourth—The counties of Coahoma, Tunica and Quitman the thirty-fourth district, and elect one senator.

Thirty-fifth—the county of DeSoto the thirty-fifth district, and elect one senator.

Thirty-sixth—The counties of Union, Tippah, Benton, Marshall and Tate the thirty-sixth district, and elect three senators; the counties of Tate, Marshall and Benton shall be entitled to one, not to be from the same county, and the counties of Union and Tippah one.

Thirty-seventh—The counties of Tishomingo, Alcorn and Prentiss the thirty-seventh district, and elect one senator.

Thirty-eighth—The counties of Monroe, Lee and Itawamba the thirty-eighth district, and elect two senators, one of whom shall be a resident of the county of Monroe and the other a resident of Lee or Itawamba counties.

SECTION 256. The legislature may at the first session after the State census of 1895, and decennially thereafter, make a new apportionment of senators and representatives. At each apportionment, each county then organized shall have at least one representative. New counties afterwards created shall be represented as may be provided by law, until the next succeeding apportionment. The counties of Tishomingo, Alcorn, Prentiss, Lee, Itawamba, Tippah, Union, Benton, Marshall, Lafayette, Pontotoc, Monroe, Chickasaw, Calhoun, Yalobusha, Grenada, Carroll, Montgomery, Choctaw, Webster, Clay, Lowndes and Oktibbeha, or the territory now composing them, shall together never have less than forty-four representatives. The counties of Attala, Winston, Noxubee, Kemper, Leake, Neshoba, Lauderdale, Newton, Scott, Rankin, Clarke, Jasper, Smith, Simpson, Copiah, Franklin, Lincoln, Lawrence, Covington, Jones, Wayne, Greene, Perry, Marion, Pike, Pearl River, Hancock, Harrison and Jackson, or the territory now composing them, shall together never have less than forty-four representatives nor shall the remaining counties of the State, or the territory now composing them, ever have less than forty-four representatives. A reduction in the number of senators and representatives may be made by the legislature if the same be uniform in each of the three said divisions but the number of representatives shall not be less

than one hundred, nor more than one hundred and thirty-three; nor the number of senators less than thirty, nor more than forty-five.

ARTICLE XIV.—GENERAL PROVISIONS.

SECTION 257. The political year of the State of Mississippi shall commence on the first Monday of January in each year.

SECTION 258. The credit of the State shall not be pledged or loaned in aid of any person, association or corporation; and the State shall not become a stockholder in any corporation or association, nor assume, redeem, secure or pay any indebtedness or pretended indebtedness alleged to be due by the State of Mississippi, to any person, association or corporation whatsoever, claiming the same as owners, holders, or assignees of any bond or bonds, now generally known as "Union Bank" bonds and "Planters' Bank" bonds.

SECTION 259. No county seat shall be removed unless such removal be authorized by two-thirds of the electors of the county voting therefor; but when the proposed removal shall be towards the center of the county, it may be made when a majority of the electors participating in the election shall vote therefor.

SECTION 260. No new county shall be formed unless a majority of the qualified electors voting in each part of the county or counties proposed to be dismembered and embraced in the new county shall separately vote therefor; nor shall the boundary of any judicial district in a county be changed unless at an election held for that purpose, two-thirds of those voting assent thereto. The elections provided for in this and the section next preceding shall not be held in any county oftener than one in four years. No new county shall contain less than four hundred square miles, nor shall any existing county be reduced below that size.

SECTION 261. The expenses of criminal prosecutions, except those before justices of the peace, shall be borne by the county in which such prosecutions shall be begun; and all net fines and forfeitures shall be paid into the treasury of such county. Defendants in cases of conviction may be taxed with the costs.

SECTION 262. The board of supervisors shall have power to provide homes or farms as asylums for those persons, who, by reason of age, infirmity, or misfortune, may have claims upon the sympathy and aid of society; and the legislature shall enact suitable laws to prevent abuses by those having the care of such persons.

SECTION 263. The marriage of a white person with a negro or mulatto, or person who shall have one-eighth or more of negro blood, shall be unlawful and void.

SECTION 264. No person shall be a grand or petit juror unless a qualified elector and able to read and write; but the want of

any such qualification in any juror shall not vitiate any indictment or verdict. The legislature shall provide by law for procuring a list of persons so qualified, and the drawing therefrom of grand and petit jurors for each term of the circuit court.

SECTION 265. No person who denies the existence of a Supreme Being shall hold any office in this State.

SECTION 266. No person holding or exercising the rights or powers of any office of honor or profit either in his own right, or as a deputy, or while otherwise acting for or in the name, or by the authority of another, under any foreign government or under the government of the United States, shall hold or exercise in any way the rights and powers of any office of honor or profit under the laws or authority of this State except notaries, commissioners of deeds, and United States commissioners.

SECTION 267. No person elected or appointed to any office or employment of profit under the laws of this State, or by virtue of any ordinance of any municipality of this State, shall hold such office or employment without personally devoting his time to the performance of the duties thereof.

SECTION 268. All officers elected or appointed to any office in this State, except judges and members of the legislature, shall, before entering upon the discharge of the duties thereof, take and subscribe the following oath:

"I, _____, do solemnly swear (or affirm) that I will faithfully support the constitution of the United States, and the constitution of the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding the office of _____; that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God."

SECTION 269. Every devise or bequest of lands, tenements or hereditaments, or any interest therein, of freehold, or less than freehold, either present or future, vested or contingent, or of any money directed to be raised by the sale thereof, contained in any last will and testament, or codicil, or other testamentary writing, in favor of any religious or ecclesiastical corporation, sole or aggregate, or any religious or ecclesiastical society, or to any religious denomination, or association of persons, or to any person or body politic, in trust, either express or implied, secret or resulting, either for the use and benefit of such religious corporation, society, denomination or association, or for the purpose of being given or appropriated to charitable uses or purposes, shall be null and void, and the heir-at-law shall take the same property so devised or bequeathed, as though no testamentary disposition had been made.

SECTION 270. Every legacy, gift or bequest of money or personal property, or of any interest, benefit or use therein, either direct, implied or otherwise, contained in any last will and testament or codicil in favor of any religious or ecclesiastical corporation, sole or aggregate, or any religious or ecclesiastical

society, or to any religious denomination or association, either for its own use or benefit, or for the purpose of being given or appropriated to charitable uses, shall be null and void, and the distributees shall take the same as though no such testamentary disposition had been made.

SECTION 271. The legislature may provide for the consolidation of existing counties, if a majority of the qualified electors of such counties voting at an election held for that purpose shall vote therefor.

SECTION 272. The legislature shall provide by law, pensions for indigent soldiers and sailors who enlisted and honorably served in the Confederate army or navy in the late civil war, who are now resident in this State, and are not able to earn a support by their own labor. Pensions shall also be allowed to the indigent widows of such soldiers or sailors now dead, when from age or disease they cannot earn a support. Pensions shall also be allowed to the wives of such soldiers or sailors upon the death of the husband, if disabled and indigent as aforesaid. Pensions granted to widows shall cease upon their subsequent marriage.

ARTICLE XV.—AMENDMENTS TO THE CONSTITUTION.

SECTION 273. Whenever two-thirds of each house of the legislature shall deem any change, alteration, or amendment necessary to this constitution, such proposed change, alteration or amendment shall be read and passed by a two-thirds vote of each house respectively, on each day, for three several days; public notice shall then be given by the secretary of state, at least three months preceding an election, at which the qualified electors shall vote directly for or against such change, alteration or amendment; and if more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately; and if it shall appear that a majority of the qualified electors voting shall have voted for the proposed change, alteration or amendment, then it shall be inserted by the next succeeding legislature as a part of this constitution, and not otherwise.

SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of this State, and in order to carry the new Constitution into complete operation, it is hereby declared that—

SECTION 274. The laws of this State now in force, not repugnant to this constitution, shall remain in force until amended or repealed by the legislature or until they expire by limitation. All statute laws of this State repugnant to the provisions of this

constitution, except as provided in the next section (three), shall continue and remain in force until the first day of April, A. D. 1892, unless sooner repealed by the legislature.

SECTION 275. All laws of this State which are repugnant to the following portions of this constitution shall be repealed by the adoption of this constitution, to wit: laws repugnant to:

(a) All the ordinances of this convention.

(b) The provisions of section 183, prohibiting counties, cities and towns from voting subscriptions to railroad and other corporations or associations.

(c) The provisions of sections 223 to 226 inclusive of Article X., prohibiting the leasing of penitentiary convicts.

SECTION 276. All laws of the State which are repugnant to the provisions of sections 240 to 253 inclusive, of Article XII., on the subject of franchise and elections, shall be and remain in force until the first day of January, A. D. 1891, and no longer.

SECTION 277. All laws of this State which are repugnant to the provisions of Article XIII., sections 254 to 256 inclusive, on the subject of the apportionment of representatives and senators in the legislature, shall be and remain in force until the first day of October, A. D. 1891, but no longer.

SECTION 278. The governor shall, as soon as practicable, appoint three suitable persons, learned in the law, as commissioners, whose duty it shall be to prepare and draft such general laws as are contemplated in this constitution and such other laws as shall be necessary and proper to put into operation the provisions thereof, and as may be appropriate to conform the general statutes of the State to the constitution. Said commissioners shall present the same when prepared to the legislature at its next regular session. And the legislature shall provide reasonable compensation therefor.

SECTION 279. All writs, actions, causes of action, proceedings, prosecutions and rights of individuals and bodies corporate and of the State, and charters of incorporation, shall continue; and all indictments which shall have been found, or which shall hereafter be found, and all prosecutions begun, or that may be begun, for any crime or offence committed before the adoption of this constitution, may be proceeded with and upon as if no change had taken place.

SECTION 280. For the trial and determination of all suits, civil and criminal, begun before the adoption of this constitution, the several courts of this State shall continue to exercise in said suits the powers and jurisdictions heretofore exercised by them; for all other matters said courts are continued as organized courts under this constitution, with such powers and jurisdiction as is herein conferred on them respectively.

SECTION 281. All fines, penalties, forfeitures and escheats accruing to the State of Mississippi under the constitution and laws heretofore in force shall accrue to the use of the State of

Mississippi under this constitution, except as herein otherwise provided.

SECTION 282. All recognizances, bonds, obligations, and all other instruments entered into, or executed, before the adoption of this constitution, to the State of Mississippi, or to any State, county, public or municipal officer or body, shall remain binding and valid, and the rights and liabilities upon the same shall be continued, and may be prosecuted as provided by law.

SECTION 283. All crimes and misdemeanors and penal actions shall be tried, prosecuted and punished as though no change had taken place, until otherwise provided by law.

SECTION 284. All officers, State, district, county, and municipal, now in office in this State shall be entitled to hold the respective offices now held by them, except as herein otherwise provided, and until the expiration of the time for which they were respectively elected or appointed; and shall receive the compensation and fees now fixed by the statute laws in force when this constitution is adopted.

SECTION 285. The adoption of this constitution shall not have the effect, nor shall it be construed, to revive or put in force any law heretofore abrogated or repealed.

This Constitution, adopted by the people of Mississippi in convention assembled, shall be in force and effect from and after this, the first day of November, A. D. 1890.

ORDINANCES.—ELECTION ORDINANCE.

SECTION 1. All ballots in all elections held in this State shall be printed and distributed at public expense, as hereinafter provided, and shall be known as "official ballots." The expense of printing all such ballots shall be paid out of the respective county treasuries, except that in municipal elections such expenses shall be paid by the respective cities or towns.

SECTION 2. The ballots printed for use under this ordinance shall contain the names of all the candidates who have been put in nomination not less than fifteen days previous to the day of election, by any convention, or other nominating body, or at a primary election of any political party in this State. It shall be the duty of one of the commissioners of election, designated for that purpose in his commission by the authority appointing said commissioner, to have printed all necessary ballots for use in said elections, except ballots in municipal elections, which shall be printed as herein provided by the authorities of the respective municipalities; and said officer shall cause to be printed by a printer, sworn to keep secret said ballots under penalties to be prescribed by law, the names of all candidates so nominated, upon the written request of any one or more of the candidates so nominated, or of any qualified elector who will affirm that he was a member of such convention or other nomi-

nating body, or participant in such primary election, and that the name presented by him was the nominee of said convention or nominating body, or primary election. Said commissioner shall also cause to be printed on said ballots the name of any qualified elector who has been requested to be a candidate for any office by a written petition signed by at least fifteen qualified electors, for any beat office or municipal office in any town of less than two hundred inhabitants, or fifty qualified electors for any other office, and when said petition or request has been presented to said commissioner not less than fifteen days before the election; but if any qualified elector has been nominated as aforesaid, or has been requested to be a candidate as above specified less than fifteen days before any election, then the names of such candidates shall not be printed upon said ballots. There shall be on said ballots one blank space under the title of each office to be voted for, and in the event of the death of any candidate whose name shall have been printed on the official ballot, the name of the candidate duly substituted in place of such deceased candidate may be written in such blank space by the voter.

SECTION 3. After the proper officer has been notified of the nomination, as hereinbefore specified, of any candidate for office, said officer shall not omit the name from the ballot unless upon the written request of the candidate so nominated, made at least ten days before the election.

SECTION 4. Every ballot printed by virtue of this ordinance shall contain the names of all candidates nominated as hereinbefore specified and not duly withdrawn. The arrangement of the names of all of the candidates and the order in which the titles of the various officers to be voted for shall be made, and the size, print and quality of the official ballot is left to the sound judgment of the officer charged with printing said ballots; but the arrangement need not be uniform. It shall be the duty of the secretary of state, with the approval of the governor, to furnish the commissioners of the several counties a sample of an official ballot, the general form of which shall be followed as nearly as practicable. Whenever the question of a constitutional amendment or other question or matter, admitting of an affirmative or negative vote, is submitted to a vote of the electors, such amendment, question or matter shall be printed on said official ballot, together with the names of the candidates, if any, and also the words yea and nay, to be arranged by the proper officer so that the voter can intelligently vote his preference by making a cross mark (x) opposite the word indicating his preference; immediately following the title of each office shall be printed the words "Vote for one," or "Vote for two," or more according to the number to be elected. On the back and outside of the ballot shall be printed "official ballot," the name of the voting

precinct or place for which said ballot is prepared, and the date of the election.

SECTION 5. All official ballots intended for use at any voting precinct or place of voting shall be fastened together in convenient numbers and in some secure manner, but in such way that such ballots may be detached for use. A record of the number of official ballots printed and furnished to each voting precinct or place of voting shall be kept, and all such ballots accounted for by the officer or officers in each county charged with the printing of ballots.

SECTION 6. The officers charged with distributing or printing and distributing the official ballots shall ascertain from the circuit clerk or other proper officer, at least ten days before the day of election, the number of registered voters in each election district, and shall also prepare full instructions for the guidance of electors at elections as to obtaining ballots, as to the manner of marking them, and as to obtaining new ballots in place of those accidentally spoiled, and such instructions shall be printed in large, clear type, on "cards of instruction," and said commissioners shall furnish the same in sufficient numbers for the use of electors, and said cards shall be preserved by all officers of elections as far as practicable, and returned by them to the commissioners of election, and may be used, if applicable, in subsequent elections.

SECTION 7. The said commissioner of election shall appoint one or more deputy commissioners, from the respective election districts, and deliver to them the proper number of ballots and cards of instruction, not less than one day before the election, and the deputy commissioners so selected to receive said ballots shall be conservators of the peace, and shall take an oath, to be administered by said commissioner, faithfully to perform their duties, and not to attempt to guide, direct, or influence any voter in the exercise of his right to vote.

SECTION 8. In case the official ballot prepared shall be lost or destroyed, or in case of the death of any candidate whose name has been printed on the official ballot, the said commissioner, or his deputy, shall have like ballots furnished in place of those lost or destroyed, if time remains therefor. If from any cause there should be no official ballot at a precinct and no sufficient time in which to have them printed, such ballots may be written; but, if written by any one except the voter alone, for himself, the names of all candidates shall be written thereon without any special mark or device by which one name may be distinguished from another, and such tickets shall be marked by the voter as provided for printed ballots. Within three days after election day the inspectors shall report in writing to the commissioners of election, under oath, the loss of the official ballots, the number lost, and all facts connected therewith, which report the commissioners may deliver to the grand jury if deemed advisable.

SECTION 9. The deputy commissioners receiving the ballots from said commissioner shall distribute the same to the electors of the proper districts in the manner herein provided; and in case the said deputy commissioner shall fail to have said ballots at the election precincts at the proper time, or, if there, he shall fail to distribute the same, the inspectors of election, or those of them present at the election, shall provide said ballots and select some suitable person to distribute the same according to law, who shall take the oath required to be taken by the person to whom the said commissioner delivered said ballots, to be administered by any one of said inspectors.

SECTION 10. The sheriffs of the several counties in this State shall procure for their respective counties a sufficient number of voting compartments, shelves, and tables for the use of electors, which shall be so arranged that it shall be impossible for one voter at one table, shelf, or compartment to see another voter who is preparing his ballot. The number of such voting shelves, tables, or compartments shall not be less than one for every one hundred electors at each voting precinct. Each shelf, table, and compartment shall be kept furnished with a card of instruction posted in each compartment, and proper supplies and conveniences for marking the ballots by electors.

SECTION 11. The deputy commissioners having the official ballots shall remain at a place convenient to the tables, shelves, and compartments, for the distribution of ballots. When requested by each of the voters, the deputy commissioners aforesaid shall hand him an official ballot.

SECTION 12. On receiving his ballot the voter shall forthwith go into one of the voting compartments, and shall prepare his ballot by marking with ink, in the appropriate margin or place, a cross (x) opposite the name of the candidate of his choice, for each office to be filled, or by filling in the name of the candidate substituted in the blank space as provided therefor, and marking a cross (x) opposite thereto, and likewise a cross (x) opposite the answer he desires to give in case of an election on a constitutional amendment or other question or matter. Before leaving the voting shelf, table, or compartment, the voter shall fold his ballot without displaying the marks thereon, but so that the words "official ballot," followed by the designation of the election precinct for which the ballot is prepared and the date of the election, shall be visible to the officers of the election. He shall then cast his ballot in the manner provided by law, which shall be done without undue delay, and the voter shall then quit the said inclosed place as soon as he has voted. No voter shall be allowed to occupy a voting shelf, table, or compartment already occupied by another voter, nor longer than ten minutes if other voters are not waiting, nor longer than five minutes in case other voters are waiting. No person shall be allowed in the room in which said ballot boxes or compartments,

tables, and shelves are, except the officers of election and the person distributing the ballots, and those appointed by the officers holding the election, to aid them therein.

SECTION 13. No person shall take or remove any ballot from a polling place before the close of the polls. If any voter spoils a ballot he may obtain others, one at a time, not exceeding three in all, upon returning each spoiled one.

SECTION 14. Any voter who declares to the person or persons having the official ballots, that by reason of blindness or other physical disability he is unable to mark his ballot, shall upon request secure the assistance of said person or one of the election inspectors in the marking thereof; and such person or officer shall certify on the outside of said ballot that it was marked with his assistance, and shall not otherwise give information in regard to the same.

SECTION 15. If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine from the ballot the voter's choice for any office voted for, his ballot so cast shall not be counted. No ballot not provided in accordance with this ordinance shall be deposited or counted.

SECTION 16. Any voter who shall, except as herein provided, allow his ballot to be seen by any person or who shall make a false statement as to his inability to mark his ballot, or who shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him, or any person who shall interfere or attempt to interfere with any voter when inside said inclosed space or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and the election officers shall cause any person so doing to be arrested and carried before the proper officer or tribunal for commitment and trial for such offence.

SECTION 17. Any commissioner of election, or any other officer or person acting as such or performing election duty, who shall wilfully or knowingly refuse or fail to perform the duties herein required of him, or who shall violate any provision of this ordinance, shall be guilty of a misdemeanor and be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the county jail not less than ten nor more than ninety days. or both, at the discretion of the court.

SECTION 18. The legislature shall have power to enact laws on the subjects of this ordinance, necessary for its efficiency, and not inconsistent with its true intent and meaning. After January 1, 1896, this ordinance may be repealed or amended by the legislature, but shall not be amended so as to conflict with any provisions of this constitution. All laws and parts of laws in

conflict with any of the provisions of this ordinance are hereby annulled, and this ordinance shall take effect and be in force from and after the first day of January, A. D. 1891.

SECTION 19. The boards of supervisors of the several counties, and the municipal authorities of the cities and towns of the State, are authorized to allow reasonable compensation to officers for services under this ordinance.

LAND COMMISSIONER ORDINANCE.

SECTION 20. The legislature at its next regular session shall provide for the election of a land commissioner, at the general election to be held in 1895, whose term of office shall be four years, and whose only compensation shall be a salary to be fixed by law. He shall have charge of the swamp and overflowed lands, the internal improvement lands, the records of the office of surveyor-general turned over by the United States to this State, the Chickasaw school lands, the sixteenth section and indemnity lands for the sixteenth section outside of the Chickasaw cession, the lands forfeited for non-payment of taxes after the time allowed for redemption shall have expired, and of all other public lands and land records in this State not otherwise provided for. The legislature shall enact such other laws as shall be necessary to fully carry this ordinance into effect, and shall have power to abolish said office when the interests of the State demand it, or may add to any of the duties assigned to such officer.

BOND ORDINANCE.

SECTION 21. That the State treasurer be authorized, with the consent and approval of the governor, if it shall be deemed necessary, to negotiate a loan of not exceeding fifty thousand dollars, for a period of not more than four months, on such reasonable terms as the governor shall approve, for the purpose of defraying the expenses of the convention and for replacing moneys used for that purpose.

SECTION 22. That the faith of the State be pledged for the repayment of such loan; and the treasurer is hereby authorized to hypothecate the forty-six thousand dollars of unsold bonds issued in pursuance of the act approved March 15, 1884, and to sell the same for the purpose of raising the money to pay such loan, if he and the governor shall deem the same necessary or proper.

LEVEE ORDINANCES.

SECTION 23. For the purpose of raising the money necessary to repair, elevate, strengthen, and complete the levees along the Mississippi River within the Mississippi levee district, composed of the counties of Bolivar, Washington, Issaquena, and Sharkey, and a part of Warren county, the board of Mississippi levee commissioners are hereby authorized to issue lithographed or

engraved bonds to the amount of five hundred thousand dollars, in such form, bearing such rate of interest, and payable at such time, as it may determine, with coupons for interest, attached, and to dispose of the same from time to time as may be necessary; but such bonds shall not run for a longer time than fifty years, nor bear a rate of interest exceeding six per centum per annum, payable semi-annually in the city of New York. The signatures to the said coupons may be lithographed, but all such bonds so issued shall be signed by the president of said board, countersigned by its treasurer with the corporate seal of the board attached, numbered consecutively, and registered in a book to be kept for that purpose.

SECTION 24. The corporate organization of the board of Mississippi levee commissioners, and the tax herein directed to be levied, together with the taxes heretofore levied or authorized by the legislature for levee purposes, shall be continued to the extent and according to the terms of the several laws levying or authorizing said taxes until all the bonds issued by virtue of and under the authority contained in the preceding section of this ordinance are paid off and discharged; and said taxes are pledged for the payment thereof and of the coupons of interest thereto attached, subject, however, to the provisions of this constitution.

SWAMP LAND ORDINANCE.

SECTION 25. WHEREAS, Doubts have arisen as to the title of original purchasers of certain swamp and overflowed lands by reason of the entry of said lands with the land scrip of counties other than the county in which said lands were situated; and

WHEREAS, By act of the legislature of the State of Mississippi approved February 17, 1890, "all persons now holding swamp lands under such invalid purchase shall have the right to purchase the same for a period of two years at the uniform price of 12½ cents per acre" upon the terms required by said act; therefore

Be it ordained that the State of Mississippi hereby waives the payment of said sum named in said act, and disclaims any interest or title in and to the said lands on account of erroneous locations thereof.

PENITENTIARY ORDINANCE.

SECTION 26. With the view of enabling the legislature at its next session to have before it the necessary information upon which to act, if it should determine to establish a penitentiary farm, it is made the duty of the governor to appoint five commissioners, who shall, prior to the next session of the legislature, carefully inspect such bodies of land as may be thought suitable for such location; and who shall make report to the governor as to the several advantages of the bodies of land inspected by them and as to the propriety of establishing such farm or some

other system and as to the advantages of each, cost, and other proper matters, to be laid by the governor before the legislature with such recommendation as he may see proper to make.

AN ORDINANCE EXTENDING TERMS OF STATE OFFICERS.

SECTION 27. The terms of the following State officers, to wit: governor, lieutenant-governor, attorney-general, treasurer, auditor, secretary of state, superintendent of education, and clerk of the supreme court, are hereby extended until the first Monday in January, 1896; and vacancies in the offices, the terms of which are hereby extended, shall be filled by appointment by the governor except as otherwise provided in this constitution.

SECTION 28. The persons whose terms of office are hereby extended shall be ineligible to immediately succeed themselves. And all bonded officers whose terms are hereby extended shall execute new official bonds on or before the date at which, but for this extension, their present terms of office would have expired; and in case of any failure to execute such bond the office shall thereby become vacant.

SECTION 29. A general election shall be held under this constitution on the first Tuesday after the first Monday in November, 1891, for three railroad commissioners and for members of the legislature, district attorneys, and county and county district officers, whose terms shall expire on the first Monday in January, A. D. 1896.

SECTION 30. There shall be a registration of the electors qualified under such provisions of this constitution which are operative prior to the election in 1891, and such registration shall be made by the proper officers, and in the manner now prescribed by law when the same is not inconsistent with the provisions of the constitution operative as aforesaid, and when repugnant, then according to the provisions thereof. The board of supervisors of the several counties shall provide proper registration books with the oath required by section 242 of this constitution.

EXEMPTION ORDINANCE.

SECTION 31. All permanent factories hereafter established in this State while this section is in force, for working cotton, wool, silk, furs, or metals, and all others manufacturing implements or articles of use in a finished state, shall be exempt from taxation for a period of ten years. Any factory which has been abandoned for not less than three years, and commencing operations within two years from the date of the adoption of this constitution, shall be entitled to such exemption. This section may be repealed or amended by the legislature after five years, and if not so repealed, shall remain in force until January 1, 1900, and no longer.

Ordained in convention assembled, November 1, A. D. 1890.

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